

Certified Copy

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3 CARMEN RILEY, et al. : CIVIL ACTION
4 Plaintiffs : DOCKET NO.
5 : 4:20-cv-00325

6 v. :

7 WARDEN BRIAN CLARK, et :
8 al. :
9 Defendants :
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TUESDAY, FEBRUARY 22, 2022

Remote Oral Deposition of
CARMEN RILEY, taken pursuant to notice, at
Philadelphia, Pennsylvania, beginning at
approximately 1:30 p.m., before Jeanne
Christian, Professional Reporter and Notary
Public.

VERITEXT LEGAL SOLUTIONS
MID-ATLANTIC REGION
1801 MARKET STREET, 18TH FLOOR
b PHILADELPHIA, PA 19103

<p>Page 2</p> <p>1 APPEARANCES: (REMOTELY)</p> <p>2</p> <p>3 MINCEY FITZPATRICK ROSS, LLC</p> <p>4 BY: RILEY H. ROSS, III, ESQUIRE</p> <p>5 One Liberty Place</p> <p>6 1650 Market Street, Suite 3600</p> <p>7 Philadelphia, Pennsylvania 19103</p> <p>8 Phone: (215) 550-1999</p> <p>9 rross@minceyfitzross.com</p> <p>10 Representing the Plaintiffs</p> <p>11</p> <p>12 MacMAIN, CONNELL & LEINHAUSER</p> <p>13 BY: DAVID J. MacMAIN, ESQUIRE</p> <p>14 433 W. Market Street, Suite 200</p> <p>15 West Chester, Pennsylvania 19382</p> <p>16 Phone: (484) 318-7106</p> <p>17 dmacmain@macmainlaw.com</p> <p>18 Representing Defendants</p> <p>19 Susquehanna Township</p> <p>20 Police Officer Michael Darcy,</p> <p>21 Officer Demetrius Glenn,</p> <p>22 Officer Aaron Osman,</p> <p>23 Sergeant Richard Adams,</p> <p>24 Corporal Richard Wilson and</p> <p>Officer Christopher Haines</p> <p>LAVERY LAW</p> <p>BY: ANDREW W. NORFLEET, ESQUIRE</p> <p>225 Market Street</p> <p>Harrisburg, Pennsylvania 17108</p> <p>Phone: (717) 233-6633</p> <p>awn@laverylaw.com</p> <p>Representing Dauphin County</p> <p>Prison Defendants</p>	<p>Page 4</p> <p>1 INDEX</p> <p>2 ---</p> <p>3 EXAMINATION PAGE</p> <p>4 CARMEN RILEY</p> <p>5 BY MR. MacMAIN 5, 173</p> <p>6 BY MR. NINOSKY 105</p> <p>7 BY MR. CARMELITE 114, 196</p> <p>8 BY MR. NORFLEET 121, 176, 203</p> <p>9 BY MR. ROSS 145, 192, 200</p> <p>10</p> <p>11 EXHIBITS</p> <p>12 ---</p> <p>13 NUMBER DESCRIPTION PAGE MARKED</p> <p>14</p> <p>15 (NO EXHIBITS WERE MARKED.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>Page 3</p> <p>1 APPEARANCES CONTINUED: (Remotely)</p> <p>2</p> <p>3 MARSHALL DENNEHEY WARNER COLEMAN</p> <p>4 & GOGGIN</p> <p>5 BY: JOHN R. NINOSKY, ESQUIRE</p> <p>6 100 Corporate Center Drive, Suite 201</p> <p>7 Camp Hill, Pennsylvania 17011</p> <p>8 Phone: (717) 651-3709</p> <p>9 jrninosky@mdwcg.com</p> <p>10 Representing Defendant PrimeCare</p> <p>11 Medical, Inc.</p> <p>12</p> <p>13 MARSHALL DENNEHEY WARNER COLEMAN</p> <p>14 & GOGGIN</p> <p>15 BY: DONALD L. CARMELITE, ESQUIRE</p> <p>16 100 Corporate Center Drive, Suite 201</p> <p>17 Camp Hill, Pennsylvania 17011</p> <p>18 Phone: (717) 651-3504</p> <p>19 dlcarmelite@mdwcg.com</p> <p>20 Representing Defendant Angela Swanson</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 5</p> <p>1 CARMEN RILEY, after having</p> <p>2 been first duly sworn, was examined and</p> <p>3 testified as follows:</p> <p>4 ---</p> <p>5 EXAMINATION</p> <p>6 ---</p> <p>7 BY MR. MacMAIN:</p> <p>8 Q. Good afternoon, Ms. Riley. My name is</p> <p>9 David MacMain. I'm going to be the one</p> <p>10 that's going to at least start asking you</p> <p>11 questions, and I think the other attorneys</p> <p>12 will ask you questions as well.</p> <p>13 Could you first just state</p> <p>14 your full name for the record?</p> <p>15 A. Carmen Ann Riley.</p> <p>16 Q. And how do you prefer that I refer to</p> <p>17 you? Carmen? Ms. Riley?</p> <p>18 A. You can call me Carmen.</p> <p>19 Q. Carmen? Okay, thank you. I appreciate</p> <p>20 it. So my name is David MacMain. I</p> <p>21 represent the Susquehanna Township police</p> <p>22 officers, as well as, I believe, the Township</p> <p>23 is named as well.</p> <p>24 I'm going to ask you questions</p>

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<p style="text-align: right;">Page 6</p> <p>1 today, and then when I am finished, the other 2 attorneys around the screen here may ask you 3 questions as well. They represent various 4 other parties.</p> <p>5 If, at any point in time, I 6 can't hear you or you can't hear me, or 7 Jeanne, most importantly, can't hear one of 8 us, just raise your hand or kind of make an 9 indication, so we don't miss anything.</p> <p>10 Carmen, have you ever been 11 deposed before?</p> <p>12 A. No, I have not.</p> <p>13 Q. So as I am sure your very capable 14 counsel mentioned to you, a deposition is an 15 opportunity for the lawyer, lawyer or lawyers, 16 on the other side to ask questions of you, 17 about your background, about your son and his 18 background, about the incident, about the 19 lawsuit and about damages. A deposition is 20 not like a TV show. I'm not trying to trick 21 you. I just want to get information to the 22 questions I ask you.</p> <p>23 If, at any point, I ask you a 24 question that you can't answer, either because</p>	<p style="text-align: right;">Page 8</p> <p>1 ask you a simple question, and you shake your 2 head yes. The court reporter can only take 3 down verbal responses, so make sure all your 4 answers are verbal.</p> <p>5 Two final things; one is, 6 Jeanne is taking everything down that 7 everybody says, so if there is any objection 8 from your counsel, if I am asking a question, 9 if you are answering a question, if another 10 attorney says something, she is trying to make 11 an accurate transcript of all the proceedings, 12 which means that we all have to be very 13 conscious not to talk over one another, to 14 speak loudly and clearly and slowly, and that 15 helps Jeanne do her job better.</p> <p>16 There may be times where I am 17 halfway through a question, you know what I'm 18 asking, and you jump in and begin to answer 19 it. Please try not to do that, because we 20 will be talking over one another. And I will 21 try to do the same thing. If you are halfway 22 through an answer, I will try not to cut in, 23 and if I do, it is unintentional.</p> <p>24 And then the final instruction</p>
<p style="text-align: right;">Page 7</p> <p>1 you don't know the answer or you just can't 2 answer it, then say so. There may be things 3 I ask you that you just can't answer, and 4 that's the perfectly correct and accurate 5 answer.</p> <p>6 You are under oath, just like 7 you would be in a courtroom, subject to the 8 same penalties and the fact we are doing it by 9 Zoom doesn't change that, either.</p> <p>10 If I use a term you don't 11 understand -- I try not to talk like a lawyer. 12 I try to use plain English. But if I ask you 13 a question you don't understand, let me know, 14 and I will rephrase it. If I use a term you 15 don't understand, I will rephrase it.</p> <p>16 If, at any point in time 17 during the deposition, you need to take a 18 break, just speak up and say so, whether it be 19 to stretch your legs, use the bathroom. What 20 may be the only exception is, if there is a 21 question pending, you need to answer the 22 question first before we take a break.</p> <p>23 All your answers have to be 24 verbal, so, in normal conversation, I would</p>	<p style="text-align: right;">Page 9</p> <p>1 I will give you is that if, at any point 2 during the deposition, you realize that an 3 answer you had given to a prior question, 4 whether it be the question just before or one 5 an hour ago is inaccurate in any way or needs 6 to be corrected or changed or clarified, just 7 speak up, and I will let you go on the record 8 and explain how a prior answer needs to be 9 changed or supplemented in some way.</p> <p>10 Do you have any questions of 11 me about the deposition process before we 12 begin?</p> <p>13 A. No.</p> <p>14 Q. So I'm going to start with some 15 preliminary stuff about you, about your son, 16 and then we will get into some more specifics 17 about the incident, so I will try to -- as we 18 go to a different -- I'm sorry?</p> <p>19 MR. ROSS: Sorry, Dave, this 20 is Riley. Two things; one, I want to make 21 sure that you all hear me. I am just coming 22 in on her mic, if I need to object. So you 23 can hear me fine?</p> <p>24 MR. MacMAIN: Yes.</p>

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<p style="text-align: right;">Page 10</p> <p>1 MR. ROSS: Okay, great. 2 The second thing is, I don't 3 think we said at the beginning, but I would 4 like to reserve all objections, except for 5 those as to form, and otherwise, the usual 6 stipulations. 7 MR. MacMAIN: Very good. We 8 did forget that housekeeping, so thanks for 9 reminding us. 10 BY MR. MacMAIN: 11 Q. So, Carmen, what I will try to do is, if 12 I go into a different topic area, I will try 13 to signal for you. Again, I'm not trying to 14 confuse you or trick you. I want to just get 15 information that you may have in support of 16 your claim. 17 So let me ask you first, are 18 you on any kind of medication or doctor's 19 orders or doctor's care currently? 20 A. Yes. 21 Q. And what for? 22 A. High blood pressure and diabetes. 23 Q. And is that something you have had for 24 some time?</p>	<p style="text-align: right;">Page 12</p> <p>1 approximate, by the way. I don't need an 2 exact year. 3 A. Oh, okay. You mean all of us living 4 there or just me and my mom and -- I don't 5 know what you -- 6 Q. It sounds like the answer would be more 7 complicated if I made it that way. So how 8 long have you lived there? 9 A. Okay, I have been there, I guess, since 10 I was -- oh, 54, 54, 53 years. 11 Q. A total of 53 or 54 years? 12 A. Yes. 13 Q. I assume it is the house you grew up in? 14 A. Yes. 15 Q. And is it your mom's house or do you own 16 the house? 17 A. It is both, you know, it is in both our 18 names. 19 Q. How long has your husband lived there? 20 A. He has been there not as long as us. 21 It was two-year stay, off and on, so I don't 22 know exactly how many years for him. 23 Q. How long have you and Thomas been 24 married?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Blood pressure, yes, yes. 2 Q. I guess my question is, is it your 3 belief that your high blood pressure is 4 related to anything involving this suit or is 5 it something you have just had for some time, 6 and it is just part of health issues that we 7 all have? 8 A. Oh, I had it for some time. 9 Q. And any of the medications you are on, 10 do they affect your ability to recall 11 information or affect your ability to answer 12 questions that I have of you today? 13 A. No. 14 Q. Where do you currently live? 15 A. 1931 Franklin Avenue, Asbury, PA, 17109. 16 Q. And I can check briefly, but is that 17 where you lived at the time of this incident? 18 A. Yes. 19 Q. And who do you currently live there 20 with? 21 A. It would be my brother, my mother, and 22 Thomas. 23 Q. And how long have the, I guess, four of 24 you lived at that residence? And you can</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Well, we are not married, but we have 2 been together 23 years. 3 Q. Are you currently employed? 4 A. No, I'm not. 5 Q. And when was the last time you were 6 employed? 7 A. 2014. 8 Q. And what did you do? 9 A. Department -- I worked for the 10 Department of Transportation. 11 Q. Why did you stop working for the -- 12 PennDOT, I assume? 13 A. That's correct. 14 Q. And why did you stop working at PennDOT? 15 A. Well, I had enough time in, so I went on 16 and retired. 17 Q. So you retired from PennDOT and are 18 getting a pension? 19 A. Yes. 20 Q. How about Thomas? Is he employed, 21 currently? 22 A. No, he is not. 23 Q. And when was he last employed? 24 A. I don't know the answer to that.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q. Is Thomas on any kind of disability?</p> <p>2 A. Yes.</p> <p>3 Q. And has he been -- do you know how long</p> <p>4 he has been collecting disability?</p> <p>5 A. No, I do not.</p> <p>6 Q. And what is his disability?</p> <p>7 A. He has heart problems. I don't know</p> <p>8 what all his ailments are, but I know heart</p> <p>9 problems.</p> <p>10 Q. I want to ask you a little bit about</p> <p>11 your educational background. What is the</p> <p>12 highest grade you completed?</p> <p>13 A. 12.</p> <p>14 Q. Are you a Harrisburg native?</p> <p>15 A. Yes.</p> <p>16 Q. I want to talk about Tyrique, and let me</p> <p>17 just express my condolences. I wish you and I</p> <p>18 hadn't met under this circumstance, but you</p> <p>19 certainly have the condolences of both myself</p> <p>20 and my client.</p> <p>21 Do you have other children</p> <p>22 besides Tyrique?</p> <p>23 A. No, I do not.</p> <p>24 Q. So I may, during the course of the</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Is she with Hershey Med or just she is</p> <p>2 located in Hershey?</p> <p>3 A. I don't know the answer to that.</p> <p>4 Q. How long have you been seeing Jeanne?</p> <p>5 A. Over a year.</p> <p>6 Q. Okay. And how often do you see Jeanne?</p> <p>7 A. Weekly.</p> <p>8 Q. Has it been weekly for the whole</p> <p>9 approximate year you have been seeing her?</p> <p>10 A. Yes.</p> <p>11 Q. And how was it you went to Jeanne? Did</p> <p>12 somebody recommend her to you?</p> <p>13 A. Yes.</p> <p>14 Q. And who recommended -- I'm sorry?</p> <p>15 A. Our attorneys.</p> <p>16 Q. Your attorneys?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have a family doctor that you</p> <p>19 see?</p> <p>20 A. I do, yes.</p> <p>21 Q. And who is your family doctor?</p> <p>22 A. Christina Johnsbaugh.</p> <p>23 Q. Can you spell the last name for me?</p> <p>24 A. J-O-H-N-S-B-A-U-G-H.</p>
<p style="text-align: right;">Page 15</p> <p>1 deposition, either call Tyrique by his name or</p> <p>2 say your son, so we are only talking about --</p> <p>3 you only have one child, so we are talking</p> <p>4 about the same person.</p> <p>5 Have you received any type of</p> <p>6 counseling as a result of your son's death?</p> <p>7 A. I have.</p> <p>8 Q. And who have you received counseling</p> <p>9 through?</p> <p>10 A. Jeanne, the name is Jeanne Fisk.</p> <p>11 Q. And do you know what kind of</p> <p>12 professional Jeanne is? Is Jeanne a woman,</p> <p>13 first of all, or a man?</p> <p>14 A. Yes.</p> <p>15 Q. A woman?</p> <p>16 A. Yes, she is a woman.</p> <p>17 Q. Can you spell her first and last name?</p> <p>18 A. J-E-A-N-N-E; last name, Fisk, F-I-S-K.</p> <p>19 Q. Okay. And do you know what kind of</p> <p>20 professional Jeanne is? Is she a</p> <p>21 psychiatrist, a psychologist, a counselor?</p> <p>22 A. She is a counselor.</p> <p>23 Q. And where is Jeanne located?</p> <p>24 A. She is out of Hershey, Pennsylvania.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. How long has Doctor Johnsbaugh, if I'm</p> <p>2 pronouncing it correctly, how long has she</p> <p>3 been your family doctor?</p> <p>4 A. I don't know exact date, exact time.</p> <p>5 Q. Has it been more than -- did it predate</p> <p>6 your son's death?</p> <p>7 A. Say that again. I'm not understanding.</p> <p>8 Q. Yes, sure. So you are not sure how long</p> <p>9 Doctor Johnsbaugh has been your family doctor.</p> <p>10 Has it been more than five years?</p> <p>11 A. Yes.</p> <p>12 Q. Have you received any kind of</p> <p>13 medications for anxiety, mental health,</p> <p>14 counseling, any of those things, through</p> <p>15 Doctor Sensebaugh -- I'm sorry, Johnsbaugh?</p> <p>16 A. Johnsbaugh, no.</p> <p>17 Q. You are on no medications for anxiety,</p> <p>18 those kind of things, through Counselor Fisk;</p> <p>19 is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Other than seeing Counselor Fisk, have</p> <p>22 you ever seen any other counselors for any</p> <p>23 reason whatsoever, either since your son's</p> <p>24 death or prior to your son's death?</p>

5 (Pages 14 - 17)

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<p style="text-align: right;">Page 18</p> <p>1 A. I seen one, I was seeing another 2 counselor, and that wasn't working out. 3 Q. Okay, who were you seeing? 4 A. I don't remember her name, but it was -- 5 the place was Winding Creek. 6 Q. Where was that located? 7 A. Mechanicsburg. 8 Q. And when were you getting counseling at 9 Winding Creek? 10 A. I don't remember. 11 Q. Was it before your son's death or after 12 your son's death? 13 A. It was after. 14 Q. And what was the counseling for at 15 Winding Creek? 16 A. For grieving. 17 Q. And is that the same thing you have been 18 seeing Jeanne Fisk for, kind of the grieving 19 process, or have there been other issues that 20 have been involved? 21 A. The grieving and some other things. 22 Q. What are the other things that you are 23 seeing the counselor for? 24 A. Just problems with me and Mr. Matthews.</p>	<p style="text-align: right;">Page 20</p> <p>1 reason? 2 A. Some other reason. 3 Q. Has she indicated what she believes that 4 reason is? 5 Did you understand my question 6 or do you want me to rephrase it? 7 A. Rephrase it. 8 Q. Sure. So I was asking about these 9 relationship issues, and you said that the 10 counselor has said that she doesn't believe it 11 is related to your son's death. You told me 12 you thought that she told you there was 13 another reason, and my question is, has she 14 told you what the other reason is that's 15 causing relationship problems between you and 16 Thomas? 17 A. Just our, you know -- our, you know, 18 arguing with each other so much. 19 Q. Other than Winding Creek and Counselor 20 Fisk, any other professionals you have seen at 21 any point for any reason for either emotional 22 distress, counseling, psychiatry, psychology, 23 any of those kind of mental health fields? 24 A. No.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Relationship or -- I guess relationship 2 issues? 3 A. Relationship issues. 4 Q. What kind of things, what kind of 5 relationship issues are you addressing in your 6 counseling? 7 A. Well, he be -- sometimes, he be 8 snapping, he be snappy, and also, our sexual 9 life is just -- it is not there. 10 Q. Were these issues that predated your 11 son's death or did they occur after -- at some 12 point after your son's death? 13 A. After. 14 Q. And is it your belief and/or Ms. Fisk's 15 belief that your son's death is the root of 16 these problems or is it unrelated? 17 MR. ROSS: Objection to the 18 form of the question. You can answer. 19 BY MR. MacMAIN: 20 Q. Let me break it in two questions then. 21 Has Counselor Fisk told you 22 that she believes that these relationship 23 problems between you and Thomas are as a 24 result of your son's death or some other</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Have you -- and I apologize, I have to 2 ask some of these questions, because I am 3 trying to get a full picture of everything. 4 Have you ever received any 5 treatment for any kind of addiction, such as 6 alcohol, drugs, substance abuse? 7 A. No. 8 Q. Have you ever been convicted of a crime? 9 A. No. 10 Q. I want to ask -- I'm going to ask some 11 of the same questions now about Tyrique, okay? 12 So, at the time of Tyrique's 13 death, was he employed? 14 A. No. 15 Q. Was he in school anywhere? 16 A. No, he was not. 17 Q. When -- and I know you answered some 18 questions that we had sent, and I'm going to 19 make it easier on all of us and find those 20 answers, but let me ask you first, while I'm 21 looking, when was -- prior to Tyrique's death, 22 do you recall when the last time he was 23 employed? 24 A. I don't remember.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q. Looking at your -- this is your answer 2 to a question called an Interrogatory that my 3 office sent, and in there, it indicates that 4 Tyrique worked at Elwood Staffing and at UPS. 5 Do you know when he worked at 6 those two locations? 7 A. I don't remember the date. 8 Q. How long he worked -- we will start 9 first with Elwood Staffing. Do you know how 10 long he worked through Elwood Staffing? 11 A. I don't know the exact date. I don't 12 know. 13 Q. Do you know if it was a month, six 14 months, a year? Can you give me some 15 estimate? 16 A. As they needed him, you know, they would 17 call him, and they would say, hey, we have a 18 job, you know, and he might work two months, 19 he might work three months. 20 Q. I'm assuming Elwood Staffing, they would 21 be contracted by other employers for help for 22 different things? Is that what your 23 understanding is? 24 A. Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. And do you know, and I may have asked 2 you this before, and if I did, I apologize, 3 during what time period he worked at UPS? Or 4 how long? Like a month, six months? 5 A. I don't know. I don't know the answer. 6 Q. Any other jobs other than Elwood 7 Staffing or UPS that Tyrique worked? 8 A. Those are the only two I know. 9 Q. Do you know if Tyrique filed tax 10 returns? 11 A. Yes. 12 Q. Do you have copies or have access to his 13 tax returns? 14 A. Yes. Yes, I do. I would have to look 15 for them. 16 Q. And just so I'm clear, you are the 17 administrator of the estate; correct? 18 A. That's correct. 19 Q. Can you tell me what information you 20 gathered, specifically, financial information 21 for the estate, like monies owed to people, 22 assets, tax returns, anything you have 23 gathered as the administrator of the estate? 24 A. I haven't.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. What kind of stuff did Tyrique do when 2 Elwood Staffing would get him a job? 3 A. He would do warehouse work. 4 Q. Okay, like stacking inventory and those 5 kind of things? 6 A. Stacking and packing. 7 Q. But you don't know how long or what time 8 period he worked through this Elwood Staffing? 9 A. I do not. 10 Q. What about UPS? Do you know when he 11 worked at UPS and for how long? 12 A. He didn't work at UPS long, because what 13 had happened was, you know, he got the job, 14 and then, you know, the work wasn't -- wasn't 15 much work. So, of course, they are going to 16 let the ones who has been there the longest, 17 you know, go to work. So he was like really 18 like on call. If they need him, then he would 19 go in. 20 Q. What did he do for UPS? 21 A. Picking and packing. 22 Q. Same kind or similar, it sounds like, to 23 the Elwood -- 24 A. Um-hum, yes, sir, yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. You haven't gathered -- there is no 2 financial records you have gathered for the 3 estate? 4 A. No. 5 Q. But in terms of the tax returns, you are 6 going to look, you may have some, you are not 7 sure? 8 A. Yes. 9 Q. How about education? What was the 10 highest grade that Tyrique completed? 11 A. 12th. 12 Q. Then where did he graduate from? 13 A. Susquehanna Township High School. 14 Q. Did Tyrique have any children? 15 A. He did not. 16 Q. Did he have a -- at the time of his 17 death, did he have a serious girlfriend? 18 A. He did not. 19 Q. And at the time of his death, where was 20 he living? 21 A. 1931 Franklin Avenue, Harrisburg. 22 Q. And was he there all the time or was 23 there other places he may stay for a day or 24 two?</p>

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<p style="text-align: right;">Page 26</p> <p>1 A. He was there most of the time. Yes.</p> <p>2 Q. I want to ask you, while I'm on it, so I</p> <p>3 don't forget, there was a reference in one of</p> <p>4 the -- a report, and I can direct you to it,</p> <p>5 if you like. This was information that</p> <p>6 Thomas provided to Susquehanna, which</p> <p>7 indicated that Tyrique was possibly staying in</p> <p>8 an apartment complex called Beaufort</p> <p>9 Apartments. Are you familiar with that at</p> <p>10 all?</p> <p>11 A. That has nothing -- that call has</p> <p>12 nothing to do with Tyrique.</p> <p>13 Q. I'm going to -- I will read it to you.</p> <p>14 This is Susquehanna Bates Number 12. "Thomas</p> <p>15 Matthew Kemrer called in reference to this</p> <p>16 prior incident, which the suit is about. I</p> <p>17 called him and advised that his son, Tyrique</p> <p>18 Riley, is possibly staying in Lower Paxton</p> <p>19 Township in an apartment complex called</p> <p>20 Beaufort Apartments."</p> <p>21 Do you know anything about</p> <p>22 that?</p> <p>23 A. Yes, Tyrique did not stay there. That</p> <p>24 call was not for Tyrique when Mr. Matthews</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Have you ever spoken to Thomas about him</p> <p>2 calling the police and wanting the dealer</p> <p>3 that's been selling drugs to Tyrique</p> <p>4 investigated or charged?</p> <p>5 A. He had mentioned it.</p> <p>6 Q. Did Thomas indicate who he believed was</p> <p>7 selling drugs to Tyrique?</p> <p>8 A. No, he did not.</p> <p>9 Q. Did he indicate to you what drugs he</p> <p>10 thought were being sold to Tyrique?</p> <p>11 A. The only thing was marijuana.</p> <p>12 Q. Okay. Other than this incident, do you</p> <p>13 know whether Tyrique had ever been arrested by</p> <p>14 any police agencies?</p> <p>15 A. He has not.</p> <p>16 Q. And --</p> <p>17 MR. ROSS: When you said this</p> <p>18 incident, we are going back to June 18th, not</p> <p>19 about the drug dealing you were just</p> <p>20 referencing before, right?</p> <p>21 MR. MacMAIN: Correct, yes,</p> <p>22 the incident at the house when Tyrique was</p> <p>23 arrested and taken to prison.</p> <p>24 BY MR. MacMAIN:</p>
<p style="text-align: right;">Page 27</p> <p>1 called it in.</p> <p>2 Q. What was he speaking about?</p> <p>3 A. He was talking about someone else that</p> <p>4 lives there.</p> <p>5 Q. Would that be Shauna Hart?</p> <p>6 A. She doesn't live there. Her son lives</p> <p>7 there at that apartment complex.</p> <p>8 Q. Who is her son?</p> <p>9 A. Rashawn Thomas.</p> <p>10 Q. Was Rashawn a friend of Tyrique's or --</p> <p>11 A. Yes.</p> <p>12 Q. Do you know whether Tyrique was using</p> <p>13 marijuana, cocaine or heroin during the time</p> <p>14 period before his death?</p> <p>15 A. Marijuana, but not no cocaine or -- I am</p> <p>16 aware of the marijuana.</p> <p>17 Q. Did Thomas ever indicate to you that he</p> <p>18 believed that Tyrique was using cocaine or</p> <p>19 heroin?</p> <p>20 A. No.</p> <p>21 Q. So is this the first -- my question, is</p> <p>22 this the first time you have heard this?</p> <p>23 A. No, this isn't the first time I heard</p> <p>24 it.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Other than that, Tyrique had never been</p> <p>2 arrested before?</p> <p>3 A. He has not.</p> <p>4 Q. Did Tyrique ever receive any kind of</p> <p>5 counseling at any point for any kind of mental</p> <p>6 health reasons at all?</p> <p>7 A. No.</p> <p>8 Q. Had he ever been diagnosed with any kind</p> <p>9 of mental health issues, bipolar,</p> <p>10 schizophrenia, anything at all?</p> <p>11 A. No.</p> <p>12 Q. Had he ever -- to your knowledge, had he</p> <p>13 ever gone to a mental health professional to</p> <p>14 be seen for any kind of concern about mental</p> <p>15 health issues?</p> <p>16 A. No.</p> <p>17 Q. Had you ever recommended to him that,</p> <p>18 perhaps, he wants to see somebody for some</p> <p>19 kind of mental health concerns?</p> <p>20 A. No.</p> <p>21 Q. Do you know whether Thomas, I guess your</p> <p>22 mom, your brother, anybody, had ever</p> <p>23 recommended that Tyrique be seen for any kind</p> <p>24 of mental health problems?</p>

8 (Pages 26 - 29)

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<p style="text-align: right;">Page 30</p> <p>1 A. No.</p> <p>2 Q. Had -- I know in your answers to -- let</p> <p>3 me back up.</p> <p>4 I'm referring to these things</p> <p>5 called Interrogatories, which are just a</p> <p>6 lawyer's way of saying questions. Have you</p> <p>7 seen those and reviewed them and approved that</p> <p>8 the answers that were provided were factually</p> <p>9 accurate?</p> <p>10 A. Yes.</p> <p>11 Q. In terms of financial support, did</p> <p>12 Tyrique pay any kind of rent to you or your</p> <p>13 mom or anybody else at 1931?</p> <p>14 A. No, he would help out with like</p> <p>15 groceries, but he never paid rent.</p> <p>16 Q. If he wasn't working, how would he be</p> <p>17 able to help out with groceries?</p> <p>18 A. Well, when he would work, when he would</p> <p>19 work and get a paycheck, he would, you know,</p> <p>20 offer.</p> <p>21 Q. And I think I asked you this before, but</p> <p>22 when was the last time prior to his death that</p> <p>23 he worked?</p> <p>24 A. Oh, I can't answer that.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. He would cut grass, and he would chop</p> <p>2 firewood, throw it in the house, shovel snow.</p> <p>3 Q. Anything else you can think of?</p> <p>4 A. He would help with the -- help me raking</p> <p>5 the leaves.</p> <p>6 Q. Does the home have a fireplace or like a</p> <p>7 wood-burning stove?</p> <p>8 A. A wood-burning stove.</p> <p>9 Q. Is that the primary source of heat at</p> <p>10 the house?</p> <p>11 A. Yes.</p> <p>12 Q. Anything else in terms of chores or</p> <p>13 helping around the house, other than what you</p> <p>14 told me?</p> <p>15 A. That's pretty much it.</p> <p>16 Q. So I had asked before about whether you</p> <p>17 had any financial documents or anything. You</p> <p>18 said you didn't, but let me ask you some</p> <p>19 questions to try to get a kind of financial</p> <p>20 picture.</p> <p>21 Did Tyrique own a car at the</p> <p>22 time of his death?</p> <p>23 A. No, he did not.</p> <p>24 Q. Did he have a bank account, checking,</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Do you know anybody who would be able to</p> <p>2 answer that? Like, if I wanted to get a</p> <p>3 snapshot of Tyrique's work history, how, other</p> <p>4 than you, as his mother, or you, as the</p> <p>5 administrator, where else I could get that</p> <p>6 information?</p> <p>7 A. No.</p> <p>8 Q. Now, I asked about financial -- his</p> <p>9 contribution to the house. You said he might</p> <p>10 offer to help pay for groceries or he may pay</p> <p>11 towards groceries.</p> <p>12 Is there anything else he did</p> <p>13 financially to help with the house where you</p> <p>14 all lived?</p> <p>15 A. No.</p> <p>16 Q. In other words, did he pay for cable?</p> <p>17 Did he contribute to paying the electric bill,</p> <p>18 anything like that?</p> <p>19 A. No.</p> <p>20 Q. Did he have any regularly assigned</p> <p>21 chores, like, he would cut the grass or he</p> <p>22 would wash the windows or anything, any chore</p> <p>23 or thing that he did on a routine basis at the</p> <p>24 house?</p>	<p style="text-align: right;">Page 33</p> <p>1 savings, any type of financial account at the</p> <p>2 time of his death?</p> <p>3 A. He had a savings account.</p> <p>4 Q. How much was in the savings account,</p> <p>5 ballpark?</p> <p>6 A. Probably less than \$20, enough to keep</p> <p>7 it open.</p> <p>8 Q. Did he have any debts at the time of his</p> <p>9 death? Did he have like a credit card bill</p> <p>10 that he owed? Did he have -- really,</p> <p>11 anything, any type of debts that he owed?</p> <p>12 A. No debt.</p> <p>13 Q. Did he own anything like a motorcycle,</p> <p>14 any assets at the time of his death?</p> <p>15 A. No.</p> <p>16 Q. What about health insurance? Did he</p> <p>17 have health insurance?</p> <p>18 A. Yes, he did.</p> <p>19 Q. And who was that through? Was that his</p> <p>20 own plan or was that something that he was on</p> <p>21 your plan through PennDOT?</p> <p>22 A. He was on my plan through PennDOT.</p> <p>23 Q. Do you know who the medical provider was</p> <p>24 on your plan? Was it Blue Cross? Was it --</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. Highmark.</p> <p>2 Q. He was under, I guess, 27, so he had</p> <p>3 full healthcare? Whatever you got through</p> <p>4 Highmark, he had as well?</p> <p>5 A. Yes.</p> <p>6 Q. And do you know whether or not that</p> <p>7 included any kind of mental health counseling</p> <p>8 under the plan, that if you wanted mental</p> <p>9 health counseling, that would have been</p> <p>10 provided through the medical plan?</p> <p>11 A. Yes.</p> <p>12 Q. In terms of his health at the time of</p> <p>13 his death, did he have any -- was he on any</p> <p>14 kind of medications?</p> <p>15 A. No medications.</p> <p>16 Q. Any kind of medical issues at all that</p> <p>17 you are aware of, high blood pressure, you</p> <p>18 know, anything at all?</p> <p>19 A. No.</p> <p>20 Q. And his family doctor, I think it is in</p> <p>21 one of these answers, was who?</p> <p>22 A. Doctor Rose.</p> <p>23 Q. And had Doctor Rose been his kind of</p> <p>24 primary care physician for, say, five years</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. So it is all in the same room where you</p> <p>2 and Thomas are sleeping?</p> <p>3 A. Yes.</p> <p>4 Q. And where Tyrique and the couch -- it is</p> <p>5 all in the same room?</p> <p>6 A. Yes.</p> <p>7 Q. And as I read the reports, this would</p> <p>8 have been about 4:00 a.m. in the morning?</p> <p>9 A. Yes. Okay, so he --</p> <p>10 Q. Go ahead, I'm sorry. I just had to</p> <p>11 clear up a couple of things, so continue on.</p> <p>12 A. Okay. So after he had jumped up, he</p> <p>13 went into the kitchen, and he picked up a</p> <p>14 sledgehammer.</p> <p>15 Q. Carmen, I'm sorry, when you say he,</p> <p>16 since there are two --</p> <p>17 A. Tyrique, sorry.</p> <p>18 Q. Tyrique.</p> <p>19 A. Tyrique picked up the sledgehammer, and</p> <p>20 then he comes back towards the living room.</p> <p>21 And he just leans up like -- leans against the</p> <p>22 door frame of the, you know, the kitchen and</p> <p>23 the living room. He just like leaned up</p> <p>24 against it, like, was holding it like this,</p>
<p style="text-align: right;">Page 35</p> <p>1 prior to his death?</p> <p>2 A. Yes.</p> <p>3 Q. Okay, so I want to talk to you -- I want</p> <p>4 to now move to -- I am done, I think, with the</p> <p>5 background information. Other people may have</p> <p>6 some questions, but I'm going to move to the</p> <p>7 date of the incident, okay?</p> <p>8 A. Yes.</p> <p>9 Q. So I want you to first talk to me about</p> <p>10 what occurred that caused you to call 911.</p> <p>11 A. Okay. We were -- we were sleeping.</p> <p>12 And Tyrique was sleeping on the couch. We</p> <p>13 were on the bed. And Tyrique jumped up, and</p> <p>14 he mumbled something, and then he went out</p> <p>15 into the kitchen.</p> <p>16 Q. May I just stop you there real quick?</p> <p>17 A. Um-hum.</p> <p>18 Q. You said we were on the bed. You and</p> <p>19 Thomas were in your bed?</p> <p>20 A. Yes.</p> <p>21 Q. And so Tyrique was sleeping on the</p> <p>22 couch?</p> <p>23 A. Okay, the couch -- Tyrique was on the</p> <p>24 couch. The bed also was in the living room.</p>	<p style="text-align: right;">Page 37</p> <p>1 leaning up against like that. And he didn't</p> <p>2 say anything. And then, I guess, all of a</p> <p>3 sudden, he just went back into the kitchen and</p> <p>4 sat down. And I said to his father, Thomas</p> <p>5 Matthews, I said, he picked a sledgehammer --</p> <p>6 Tyrique picked a sledgehammer up. And then</p> <p>7 his father jumped -- his father got up, and he</p> <p>8 goes into the kitchen. Then they meet, like</p> <p>9 -- once Dad went into the kitchen, Tyrique</p> <p>10 started coming this way, you know, like, they</p> <p>11 meet.</p> <p>12 Q. Let me stop you there and ask you some</p> <p>13 questions about what you have just told me.</p> <p>14 A. Okay.</p> <p>15 Q. You were referring to Thomas as his dad.</p> <p>16 I assume Thomas had been his -- whether he was</p> <p>17 -- let me start over.</p> <p>18 Was Thomas his biological</p> <p>19 father?</p> <p>20 A. Yes.</p> <p>21 Q. Oh, Thomas was his biological father?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Now, you said something, went</p> <p>24 into the kitchen and got a sledgehammer. Why</p>

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<p style="text-align: right;">Page 38</p> <p>1 was there a sledgehammer in the kitchen?</p> <p>2 A. That's just where we -- that's where it</p> <p>3 was.</p> <p>4 Q. Okay, was it being -- it is a bit</p> <p>5 unusual to have a sledgehammer in a kitchen.</p> <p>6 Was there a project going on, some kind of</p> <p>7 rehab project? Was the sledgehammer used for</p> <p>8 something?</p> <p>9 A. It just was in the -- it probably wasn't</p> <p>10 being used for something, but it just was left</p> <p>11 in the kitchen.</p> <p>12 Q. So it was there prior to that night? It</p> <p>13 wasn't like Tyrique went out to a garage or a</p> <p>14 shed or went down the basement or whatever and</p> <p>15 brought a sledgehammer? There was already a</p> <p>16 sledgehammer in the kitchen?</p> <p>17 A. Yes, it was already in the kitchen.</p> <p>18 Q. So you also told me that you and Thomas</p> <p>19 were sleeping. Did something wake you up</p> <p>20 that caused you to, at 4:00 in the morning,</p> <p>21 look over and see that Tyrique had a</p> <p>22 sledgehammer?</p> <p>23 A. Well, when he mumbled, I woke up. I</p> <p>24 woke up. He mumbled something, and then I</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Why did -- why would he say that? Did</p> <p>2 Tyrique swing it at Thomas? Did he pick it up</p> <p>3 over his head and look like he was going to</p> <p>4 hit Thomas? Why would Thomas --</p> <p>5 A. No, he just had it like this</p> <p>6 (indicating). He would have to have it -- the</p> <p>7 thing is like this long (indicating), so he</p> <p>8 had to have it like -- you know, both hands</p> <p>9 had to be on it.</p> <p>10 Q. So Carmen, since we are not --</p> <p>11 A. And he got up and just stood up with it,</p> <p>12 just like, you know, stood up with it.</p> <p>13 Q. Let me -- this is a little more</p> <p>14 challenging to do these when it is by Zoom,</p> <p>15 because I can't see your hands. I think you</p> <p>16 had your hands like this, like you picked up a</p> <p>17 sledgehammer, like you were about to pick it</p> <p>18 up, and I guess, swing it?</p> <p>19 A. He had it just like this (indicating).</p> <p>20 Q. Indicating that two hands at chest level</p> <p>21 high, holding onto the handle of the</p> <p>22 sledgehammer?</p> <p>23 A. Yes, yes.</p> <p>24 Q. And the "he" that had the sledgehammer</p>
<p style="text-align: right;">Page 39</p> <p>1 woke up from him mumbling.</p> <p>2 Q. What did he mumble, if you know, I mean,</p> <p>3 if you could hear it?</p> <p>4 A. I couldn't. I couldn't figure it out.</p> <p>5 Q. So did Thomas also -- I assume Thomas</p> <p>6 also woke up after hearing Tyrique's mumbling?</p> <p>7 A. No, he didn't wake up. He hadn't woke</p> <p>8 up. I had woke up.</p> <p>9 Q. And then you woke up Thomas and said,</p> <p>10 hey, look, he has got a sledgehammer?</p> <p>11 A. And then I said to him, after Tyrique</p> <p>12 went back into the kitchen, I said to his</p> <p>13 father, Thomas, I said, he picked a</p> <p>14 sledgehammer up.</p> <p>15 Q. Was that the conversation with you and</p> <p>16 Thomas that this is -- why is he picking up a</p> <p>17 sledgehammer at 4:00 a.m.?</p> <p>18 A. Yeah, that's what I was -- I said, he</p> <p>19 picked the sledgehammer up. And so then his</p> <p>20 father jumped, got up off the bed, and went</p> <p>21 into the kitchen. And then when his father</p> <p>22 went in the kitchen, they just like met. And</p> <p>23 then, his father said, what you trying to do,</p> <p>24 get your dad?</p>	<p style="text-align: right;">Page 41</p> <p>1 was Tyrique?</p> <p>2 A. Yes.</p> <p>3 Q. And you described that he and Thomas</p> <p>4 kind of had this -- they met. What do you</p> <p>5 mean by they met? Did they physically touch?</p> <p>6 Were they near each other? What does met</p> <p>7 mean?</p> <p>8 A. Well, Thomas went into the kitchen, and</p> <p>9 when he came into the kitchen, Tyrique gets up</p> <p>10 off the chair, and then he walks -- you know,</p> <p>11 they started -- you know, they just like came</p> <p>12 like this and went together like this</p> <p>13 (indicating.)</p> <p>14 Q. You are indicating they kind of came</p> <p>15 face to face?</p> <p>16 A. Not really face to face, but just like</p> <p>17 this. They just came like this.</p> <p>18 Q. Like closer together?</p> <p>19 A. Right, closer together.</p> <p>20 Q. And could you see all this from where</p> <p>21 you were?</p> <p>22 MR. ROSS: David, let me just</p> <p>23 interject. Carmen, I remind you that the</p> <p>24 court reporter is taking everything down, so</p>

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<p>1 when you say like that, she may not -- she</p> <p>2 won't be able to describe that, so if you can</p> <p>3 describe it as you are talking, because</p> <p>4 although we can see you, she is taking it down</p> <p>5 and will be typing it later, and we are not</p> <p>6 going to be able to see that later, so just</p> <p>7 make sure you describe what you are showing.</p> <p>8 THE WITNESS: Okay.</p> <p>9 MR. MacMAIN: Thank you,</p> <p>10 Riley.</p> <p>11 BY MR. MacMAIN:</p> <p>12 Q. Where you were located, you could see</p> <p>13 all this in the kitchen?</p> <p>14 A. I got up. I had got up off the bed.</p> <p>15 And I came, and I stood in the doorway of the</p> <p>16 living room.</p> <p>17 Q. You got out of bed, walked over towards</p> <p>18 the kitchen, you had a clear view of all this?</p> <p>19 A. Yes.</p> <p>20 Q. So Tyrique has got the sledgehammer in</p> <p>21 his hand, he stands up, he and your husband</p> <p>22 kind of move closer together, and your husband</p> <p>23 says -- what did he say? Are you going to hit</p> <p>24 your dad or do something to your dad? What</p>	<p>1 what did they say? Kind of tell me what</p> <p>2 happened.</p> <p>3 A. You know, they didn't say nothing to me.</p> <p>4 I just told them to stop, just stop it. And</p> <p>5 it was just --</p> <p>6 Q. Okay, and did they stop?</p> <p>7 A. Not when I said stop, no.</p> <p>8 Q. What happened?</p> <p>9 A. Okay, so they ended up going down this</p> <p>10 small hallway, and because everything was just</p> <p>11 so -- it was just fast. It just was like</p> <p>12 (indicating). And then Mr. Matthews ended up</p> <p>13 going to one of the back bedrooms. He ended</p> <p>14 up going back to the back bedroom. And then</p> <p>15 Mr. Matthews was in there being like this</p> <p>16 (indicating), like in the door frame.</p> <p>17 Q. Let me stop and try to paint the picture</p> <p>18 again.</p> <p>19 So they are tussling over this</p> <p>20 sledgehammer. They go down a hallway;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And the whole time they are going down</p> <p>24 the hallway, they both have their hand on the</p>
<p>1 was it he said?</p> <p>2 A. He said -- Mr. Thomas said, what are you</p> <p>3 going to do, hit your dad?</p> <p>4 Q. And what did Tyrique say?</p> <p>5 A. He didn't say anything.</p> <p>6 Q. Okay, so what happened next?</p> <p>7 A. So Mr. Matthews tried to take it, tried</p> <p>8 to take the sledgehammer and put his hands on</p> <p>9 it.</p> <p>10 Q. And what happened next?</p> <p>11 A. Once he put his hands on it, then that's</p> <p>12 when it went like this, it was like this</p> <p>13 (indicating.)</p> <p>14 Q. And indicating -- I'm going to try to</p> <p>15 paint the picture, so tell me if I'm</p> <p>16 incorrect. They were kind of tussling over</p> <p>17 the sledgehammer. They both had their hands</p> <p>18 on the handle, and it was a tussle over the</p> <p>19 sledgehammer?</p> <p>20 A. Yes.</p> <p>21 Q. Did you say anything at this point,</p> <p>22 like, what are you guys doing?</p> <p>23 A. Well, I was trying to tell him to stop.</p> <p>24 Q. What did you say? What did you say,</p>	<p>1 handle, and they are kind of struggling with</p> <p>2 it?</p> <p>3 A. They both had their hands on it.</p> <p>4 Q. Okay, how long is this hallway they went</p> <p>5 down?</p> <p>6 A. I'm not really good with feet.</p> <p>7 Q. How many steps would it take to get from</p> <p>8 where they started in the kitchen to where</p> <p>9 they got in the bedroom? If you were just</p> <p>10 walking, how many steps would it take? Is it</p> <p>11 a -- it sounds like you are trying to figure</p> <p>12 out distance and having some trouble.</p> <p>13 A. Yeah, I can't. I was just going to say,</p> <p>14 I'm just not good with it, you know.</p> <p>15 Q. That's fine. So did they have to pass</p> <p>16 any other rooms as they are going down this</p> <p>17 hallway until they got to the back bedroom?</p> <p>18 A. There is a bathroom.</p> <p>19 Q. So they are going down the hallway,</p> <p>20 tussling over the handle of the sledgehammer.</p> <p>21 They would pass a bathroom?</p> <p>22 A. Yes.</p> <p>23 Q. Would they pass anything else before</p> <p>24 they got to this bedroom that you started to</p>

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<p style="text-align: right;">Page 46</p> <p>1 tell me about?</p> <p>2 A. And it is two bedrooms. It is two</p> <p>3 bedrooms back -- towards the back of the</p> <p>4 house.</p> <p>5 Q. Are they on either side of the hallway,</p> <p>6 like across from one another?</p> <p>7 A. Well, yes, they across from one another,</p> <p>8 kind of across from one another.</p> <p>9 Q. So, at this point, with this commotion,</p> <p>10 did your mom wake up?</p> <p>11 A. We weren't at 1931 Franklin Avenue. We</p> <p>12 weren't at that. It was 2003 Franklin</p> <p>13 Avenue.</p> <p>14 Q. Okay, so this incident happened at 2003?</p> <p>15 A. That's correct.</p> <p>16 Q. So the only people living in that house</p> <p>17 are you, Thomas and your son?</p> <p>18 A. I don't live there.</p> <p>19 Q. I'm probably -- I am confused.</p> <p>20 A. I don't live there. Mr. Matthews was</p> <p>21 staying over at 2003.</p> <p>22 Q. So this incident happened at --</p> <p>23 A. We were staying over there, we would</p> <p>24 stay over there, but Mr. Matthews was staying</p>	<p style="text-align: right;">Page 48</p> <p>1 Thomas was living in the same building, but a</p> <p>2 different unit, 2003?</p> <p>3 A. Yes, he was living in another, you know,</p> <p>4 property.</p> <p>5 Q. Okay, I want to make sure I understand.</p> <p>6 2003 is an entirely different building?</p> <p>7 A. Yes.</p> <p>8 Q. Or is it -- okay. And so this tussle</p> <p>9 over the sledgehammer is happening at 2003 or</p> <p>10 at 1931?</p> <p>11 A. 2003.</p> <p>12 Q. So you went and stayed at Thomas' place</p> <p>13 at least that night?</p> <p>14 A. Yes.</p> <p>15 Q. And Tyrique stayed at Thomas' place at</p> <p>16 least that night?</p> <p>17 A. That's right.</p> <p>18 Q. How often would you -- how often would</p> <p>19 you stay at 2003, instead of the 1931 address?</p> <p>20 A. Here and there. I wouldn't stay there</p> <p>21 -- I wouldn't stay there all the time, because</p> <p>22 there was cats there. I wouldn't stay there</p> <p>23 all the time.</p> <p>24 Q. So your primary residence where you</p>
<p style="text-align: right;">Page 47</p> <p>1 over at 2003.</p> <p>2 Q. Let me break this down, so I make sure</p> <p>3 I'm following you.</p> <p>4 So you have lived at 1931</p> <p>5 Franklin Avenue most of your life; correct?</p> <p>6 And that's where you live now?</p> <p>7 A. Yes.</p> <p>8 Q. But this incident occurred at 2003?</p> <p>9 A. Yes.</p> <p>10 Q. Franklin Avenue?</p> <p>11 A. Correct.</p> <p>12 Q. And is that a different building or is</p> <p>13 it the same building, but different units?</p> <p>14 A. The same building, but different units.</p> <p>15 Q. So why was it -- strike that.</p> <p>16 So help me understand who --</p> <p>17 at the time of the incident, who lived in what</p> <p>18 unit? Who lived in 1931 at the time of the</p> <p>19 incident?</p> <p>20 A. Who lived there?</p> <p>21 Q. Yes. Go ahead, I'm sorry.</p> <p>22 A. Okay, who lived there at 1931 would be</p> <p>23 my mother, my brother, myself and Tyrique.</p> <p>24 Q. Okay. And at the time of this incident,</p>	<p style="text-align: right;">Page 49</p> <p>1 primarily lived was 1931, but you sometimes</p> <p>2 would stay at 2003?</p> <p>3 A. Correct.</p> <p>4 Q. The same question with Tyrique, how</p> <p>5 often would he stay at 2003?</p> <p>6 A. Not that -- no, he hardly stayed at</p> <p>7 2003.</p> <p>8 Q. Why was he staying at 2003 that night?</p> <p>9 A. Because he was talking about somebody</p> <p>10 running up in our house and people on our</p> <p>11 property.</p> <p>12 Q. So he didn't want to be there?</p> <p>13 A. Well, I don't think he -- I think he was</p> <p>14 afraid of someone running up in our house.</p> <p>15 Q. So he was afraid that people were coming</p> <p>16 up into 1931, so he decided to stay at Thomas'</p> <p>17 place, as did you, at 2003?</p> <p>18 A. Yes.</p> <p>19 Q. And had there been break-ins? Was there</p> <p>20 someone -- why were people running up into</p> <p>21 1931?</p> <p>22 A. I don't know why --</p> <p>23 MR. ROSS: Objection to the</p> <p>24 form of the question. You can answer.</p>

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<p style="text-align: right;">Page 50</p> <p>1 THE WITNESS: I don't know why 2 he thought someone would be running up in our 3 house. 4 BY MR. MacMAIN: 5 Q. Did anyone actually run up to 1931 or it 6 was just something he was talking about? 7 A. That's was something he was talking 8 about, somebody running up in there and 9 talking about them being on -- people outside 10 on our property. 11 Q. But you didn't see any of that? You 12 didn't think that was -- you didn't see that? 13 A. What do you mean, didn't see -- 14 Q. Sure, so -- 15 A. You mean people outside our house or 16 what? I don't know what you mean. 17 Q. So let me -- I wasn't very clear with my 18 question. That's on me. 19 Tyrique was concerned that 20 people were going to come into 1931. He was 21 concerned about that; correct? 22 A. Correct. 23 Q. My question to you was, was that 24 actually happening to your knowledge or that</p>	<p style="text-align: right;">Page 52</p> <p>1 A. I think it was a couple of days, he was 2 -- it was a couple of days. 3 Q. And during those couple of days, you 4 didn't think he needed any kind of medical or 5 mental health treatment; is that correct? 6 A. No, I didn't think he needed it, because 7 he would just say about these people running 8 up in our house and on our property. 9 Q. So my question is -- I think you 10 answered this, but I just want to be clear, 11 because it is important. Did you think he was 12 like making this up or he just was seeing 13 things that didn't exist or were you concerned 14 that what he was saying was accurate, that 15 there may have been people trying to get into 16 1931? 17 A. Yeah, I mean -- no, I didn't think he 18 was making it up. 19 Q. You didn't think he was making it up? 20 A. No. 21 Q. No? Okay. Did you call the police out 22 of concern for your mom, your brother, you, 23 that someone was trying to get into 1931 24 address?</p>
<p style="text-align: right;">Page 51</p> <p>1 was just something that he kind of was 2 thinking, but it wasn't actually occurring? 3 Do you understand what I'm asking? 4 A. No. 5 Q. Were people to your -- based on your 6 observation, did you see people trying to get 7 into 1931, like Tyrique had said there were? 8 A. No. 9 Q. Did you think he was hallucinating or 10 seeing things that weren't really happening or 11 were you just of the view that you just didn't 12 see it, but his concern was valid? 13 A. I just thought he was -- what was the 14 word, hallucinating? 15 Q. Hallucinating or just, you know -- 16 A. Yes, I just thought he was -- yes. 17 Q. Did you -- at that point, were you 18 concerned that maybe he had some kind of 19 mental health problem, and you needed to get 20 him help? 21 A. Not at that time, no. 22 Q. And when was this in relation to the 23 4:00 a.m. sledgehammer tussle? Was this 24 earlier that day? Was it a week before?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. No. 2 Q. How many -- other than the -- prior to 3 this night, how many nights had you stayed at 4 2003? Was it just that night or was it for a 5 couple of nights, you stayed there? 6 A. Just that night. 7 Q. And what about Tyrique? Was it just 8 that night or had he stayed there the night 9 before and the night before that? 10 A. That night. 11 Q. Was your mom and your brother, who lived 12 at 1931, aware of Tyrique's concern that maybe 13 people were trying to break in to 1931? 14 A. No. 15 Q. Weren't you concerned for your mom and 16 your brother, that they may be in harm's way 17 as well? 18 A. Well, rephrase that. I'm not really -- 19 Q. Sure. Let me try to make it simpler. 20 You and Tyrique are concerned 21 enough that someone is trying to break into 22 1931, that you leave and stay somewhere else. 23 My question is, did you warn or were you 24 concerned for your mom, who I assume was much</p>

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<p style="text-align: right;">Page 54</p> <p>1 older or older than you, and your brother, 2 that, hey, you might want to live, stay 3 somewhere else or call the police, because 4 someone may be trying to break into 1931? 5 MR. ROSS: Objection to the 6 form of the question. 7 THE WITNESS: I didn't think 8 -- if someone was going to try to break in 9 there and try to run up in our house, I am 10 pretty sure we would -- we probably would have 11 heard it. 12 BY MR. MacMAIN: 13 Q. At least up to the point of the tussle 14 over the sledgehammer on the night of the 15 incident at 4:00 a.m., you had not had any 16 concern prior to that that Tyrique needed 17 medical or mental health treatment; is that 18 correct? 19 A. That's correct. 20 Q. Have you listened to your 911 call on 21 the night of the incident? 22 A. Yes. 23 Q. You mentioned something about he, 24 meaning Tyrique, snapped a couple of days ago.</p>	<p style="text-align: right;">Page 56</p> <p>1 all the way down this hallway. Where we left 2 off was, Thomas was in kind of the frame of a 3 bedroom door, and that's where we stopped 4 talking about it. So I want you to pick up 5 with what happened next. 6 A. Mr. Matthews had sweatpants on, and they 7 fell down. 8 Q. He fell down on his own? He wasn't 9 pushed? 10 A. No, his sweatpants fell down to his 11 feet. Mr. Matthews' sweatpants fell down to 12 his feet. And he said, great. 13 Q. And so his sweatpants fell down to his 14 feet, and that caused him to fall? 15 A. Yeah. 16 Q. Tyrique had, really, nothing to do with 17 it? 18 A. No. 19 Q. Do you know why, after the struggle in 20 the kitchen, down the hallway, why, all of a 21 sudden, his pants fell? 22 A. Well, he done lost some weight, so the 23 pants just -- Mr. Matthews lost weight. 24 Q. I'm trying to figure out why, during the</p>
<p style="text-align: right;">Page 55</p> <p>1 What were you referring to? 2 A. I was referring to him talking about 3 someone going try to run up in our house and 4 people on our property. 5 Q. But I thought I just asked you, and you 6 said you kind of thought he didn't make it up, 7 he may actually -- it may be a legitimate 8 concern; correct? 9 A. Yes. 10 Q. But when you called 911, when you were 11 referring to he snapped, you were referring to 12 this concern he had that someone might be 13 running up to 1931? That's what you were 14 referring to with the snapped? 15 A. Yes. 16 Q. Was there anything else that happened 17 prior to that day that gave you any concern 18 that Tyrique had some kind of mental or 19 medical health problem for which he needed 20 treatment right away? 21 A. No. 22 Q. So I'm going to jump back to the 23 sledgehammer tussle. You talked about he and 24 your -- not your husband, Thomas -- made it</p>	<p style="text-align: right;">Page 57</p> <p>1 struggle, they didn't fall down until they got 2 all the way to the back of the hallway in the 3 door frame. Did a drawstring come off? Did 4 -- do you know why they all of a sudden fell 5 then? 6 A. Yeah, they are just old. The sweatpants 7 are old sweatpants and not that tight, you 8 know, tight. It is just the oldest pants that 9 he had. 10 Q. Now, I had asked you to give me an 11 estimate of the distance between where the 12 struggle began and where it ended up in the -- 13 at the end of the hallway, and you really 14 weren't able to do that, which is fair. Can 15 you give me an estimate of how long of a time 16 between when they both grabbed onto this 17 sledgehammer to when -- the point where they 18 are in the back hallway, and Mr. Matthews 19 falls to the ground? Was it five seconds, 20 ten seconds? Can you give me a reasonable 21 estimate? 22 A. No, I can't. 23 Q. So we are going to pick back up. Mr. 24 Matthews -- when you say Mr. Matthews, and I</p>

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<p style="text-align: right;">Page 58</p> <p>1 say Thomas, it is the same person, right?</p> <p>2 A. That's correct.</p> <p>3 Q. I just want to make sure we are not --</p> <p>4 he falls to the ground. What happens next?</p> <p>5 A. Okay, once he falls down to the ground,</p> <p>6 and the sledgehammer is like across his waist,</p> <p>7 since he went down, he went back this way, and</p> <p>8 he fell down, and it is across his waist.</p> <p>9 Q. So who is across who -- who had the</p> <p>10 sledgehammer?</p> <p>11 A. They both still was holding onto it.</p> <p>12 Q. So Thomas goes to the ground. Does</p> <p>13 Tyrique fall on top of him?</p> <p>14 A. No, he didn't fall on top of him.</p> <p>15 Tyrique was more like -- how do I say it? He</p> <p>16 was more like to the -- you know, to the side,</p> <p>17 like, you know, like this (indicating).</p> <p>18 Q. But did both Thomas and Tyrique each</p> <p>19 have two hands on the sledgehammer after</p> <p>20 Thomas fell?</p> <p>21 A. Yes.</p> <p>22 Q. So they are still both grabbed onto the</p> <p>23 sledgehammer, Thomas is on the ground, Tyrique</p> <p>24 is still upright?</p>	<p style="text-align: right;">Page 60</p> <p>1 standing over the other bedroom with it,</p> <p>2 because I had asked Mr. Matthews before I got</p> <p>3 out, I said, do you have it? He had his hand</p> <p>4 on it. And he said that he had it. And then</p> <p>5 he goes -- you know, when I come back from the</p> <p>6 kitchen from making the phone call for the</p> <p>7 911, you know, then I see he just -- Mr.</p> <p>8 Matthews just said, forget it, you know, he</p> <p>9 just gave it to me. He just let loose of the</p> <p>10 sledgehammer.</p> <p>11 Q. Let me stop you there. When you left</p> <p>12 to go make the call --</p> <p>13 A. Um-hum, yes.</p> <p>14 Q. -- they both had their hand on the</p> <p>15 sledgehammer; correct?</p> <p>16 A. Correct.</p> <p>17 Q. And then when you come back, Thomas is</p> <p>18 laying where?</p> <p>19 A. On the back -- in the bedroom.</p> <p>20 Q. Okay. And Tyrique is in the other</p> <p>21 bedroom?</p> <p>22 A. Yes, there is another bedroom, yes.</p> <p>23 Q. And they are directly across from each</p> <p>24 other?</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes.</p> <p>2 Q. Okay, so what happened next?</p> <p>3 A. Okay. So Mr. Matthews wanted me to</p> <p>4 call the ambulance. And so I go to the</p> <p>5 kitchen, because the cellphone was in the</p> <p>6 kitchen, and I go to the -- and I called the</p> <p>7 ambulance for Mr. Matthews.</p> <p>8 Q. Up to this point, you didn't call 911,</p> <p>9 this was the first call that was made;</p> <p>10 correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And that was because Thomas said, I need</p> <p>13 medical attention, or call an ambulance, I'm</p> <p>14 hurt, or something like that?</p> <p>15 A. Call an ambulance, yes.</p> <p>16 Q. Okay, what happened next?</p> <p>17 A. Okay. So when I go to -- I go to call.</p> <p>18 I had to go out to the kitchen, because that's</p> <p>19 where the phone was. And I went, and I</p> <p>20 called 911 and asked for an ambulance. And</p> <p>21 then I walked back to the bedroom. After I</p> <p>22 asked for the ambulance, then I started</p> <p>23 walking back to the bedroom where Thomas was.</p> <p>24 And then, when I got back there, Tyrique was</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yes.</p> <p>2 Q. And Tyrique has got the sledgehammer,</p> <p>3 and Thomas is laying on the ground?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. By the way, during this tussle</p> <p>6 with the sledgehammer, it starts in the</p> <p>7 kitchen, it goes down the hallway, it</p> <p>8 initially ends with Thomas going to the</p> <p>9 ground, were either one of them saying</p> <p>10 anything to one another?</p> <p>11 A. No.</p> <p>12 Q. Were you saying anything?</p> <p>13 A. Just basically just saying, stop, you</p> <p>14 know, just stop.</p> <p>15 Q. So you come back from making the call?</p> <p>16 A. Yes.</p> <p>17 Q. You have the phone on the whole time;</p> <p>18 correct, at that point?</p> <p>19 A. Yes.</p> <p>20 Q. Because you are -- you said you have</p> <p>21 listened to the 911 call, you were kind of</p> <p>22 talking while the operator is trying to get</p> <p>23 information from you; correct?</p> <p>24 A. Yes.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. And at this point, when you begin the 2 call, Tyrique is in another bedroom with the 3 sledgehammer, Thomas is on the ground. What 4 happens next? 5 A. Okay. After that, I told him -- I 6 remember telling him to put it down, and I 7 told him to put it over by the refrigerator. 8 Q. You are telling Tyrique this? 9 A. Yes. 10 Q. And what was his response? 11 A. He ended up putting it by the 12 refrigerator. 13 Q. How long after you told him to put it 14 back down -- I assume down the hallway, in the 15 kitchen, by the refrigerator, how many times 16 did you have to tell him that before he did 17 what you asked him to do? 18 A. A few times. 19 Q. I'm sorry, a few? 20 A. A couple. It was -- I don't -- I don't 21 know. 22 Q. At any point, did he go back into the 23 bedroom where his father was? 24 A. After he had -- after he had put it</p>	<p style="text-align: right;">Page 64</p> <p>1 in the gap in between. 2 At some point, the police 3 arrive; correct? 4 A. Yes. 5 Q. When they arrive -- 6 MR. ROSS: If we are going to 7 start talking about that, can we take a 8 five-minute break? We have been going for a 9 little bit more than an hour. 10 MR. MacMAIN: Let me finish 11 this one question, and then we will take a 12 break. 13 MR. ROSS: Okay. 14 BY MR. MacMAIN: 15 Q. When the police arrive, where are you, 16 where is Tyrique, where is your husband? Or 17 I'm sorry, your -- Thomas? 18 A. Thomas is still in the bedroom on the 19 floor. Tyrique and I are in the kitchen. 20 Q. Okay, we are going to take a break. 21 I'm going to probably play the 911 call at 22 some point after we come back from the break. 23 Riley, five minutes, 24 ten minutes?</p>
<p style="text-align: right;">Page 63</p> <p>1 down, he went back towards that way, yes. 2 Q. So you asked him, I think you said two 3 or a few, but a handful of times, he, meaning 4 Tyrique, to put it down, he goes down the 5 hallway, puts the sledgehammer in the kitchen, 6 comes back, and then goes into the bedroom 7 where his dad is; is that correct? 8 A. Yes. 9 Q. What happens at that point? 10 A. Okay, at that point, I told him that, I 11 said, help your dad up. Mr. Matthews was 12 like, no, no, you know. He just said no, no, 13 no. 14 Q. Okay, and what happened next? 15 A. Okay, so he was just like -- I was 16 sitting in the kitchen, and he was just 17 walking around, you know, walking around out 18 in the kitchen with me. 19 Q. Tyrique? 20 A. Yes. 21 Q. And Thomas is still in the bedroom. Is 22 he still on the floor? 23 A. He is still on the floor. 24 Q. Let me jump ahead, and I'm going to fill</p>	<p style="text-align: right;">Page 65</p> <p>1 MR. ROSS: Is five minutes 2 okay or do you want ten minutes? 3 MR. MacMAIN: Let's go ten. 4 It is 2:44. We will come back at 2:54. 5 Thanks, guys and gals. 6 --- 7 (Whereupon a short break was 8 taken at this time.) 9 --- 10 BY MR. MacMAIN: 11 Q. Carmen, I'm going to ask you, is there 12 anything that we have covered so far that you 13 need to clarify or correct in any way any of 14 your answers, things you thought of maybe over 15 the break? 16 A. No. 17 Q. Okay, good. So I'm going to play the 18 911 call for you in a second, so I'm going to 19 ask you some questions about that, but just so 20 I understand the sequence, when you call 911, 21 Thomas is on the floor, he needs medical 22 attention, Tyrique is in the other bedroom, he 23 has got the sledgehammer, and you are on the 24 phone; is that correct? Kind of when the call</p>

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<p style="text-align: right;">Page 66</p> <p>1 gets made? Or had Tyrique taken the 2 sledgehammer down the hall in the kitchen when 3 you called? 4 A. No, he was over in the bedroom when I 5 called. 6 Q. He still had the sledgehammer when you 7 called? 8 A. Yeah. 9 Q. Okay. So I'm going to play the 911 10 call, and I'm going to stop it every so often 11 and ask you questions, okay? 12 A. Okay. 13 MR. MacMAIN: So the first 14 thing I have to do -- the first thing I have 15 to do is call my paralegal in here. Let me 16 play this and see if other people can hear. 17 I'm going to give this a test here. Raise 18 your hand, if you can hear it. 19 What I'm going to do is, I'm 20 going to play it for a period and stop and ask 21 you questions at certain points. If, at any 22 point, Carmen, during this -- or I guess I 23 will throw this out to all counsel, if 24 everyone is okay with it, if there is</p>	<p style="text-align: right;">Page 68</p> <p>1 you are telling him to put the sledgehammer 2 down? 3 A. He was still in the bedroom, and I was 4 in the hallway. 5 MR. ROSS: Can you give us the 6 mark on the tape, please? 7 MR. MacMAIN: Oh, yes, I'm 8 sorry. We just stopped it at 1:39. 9 MR. ROSS: Thank you. 10 BY MR. MacMAIN: 11 Q. Carmen, I have a question. I'm going to 12 reverse by about ten seconds, and I want you 13 to listen carefully, because I'm going to ask 14 you what you said, okay? So I'm bringing it 15 back to about 1:09. 16 --- 17 (Whereupon the 911 call was 18 played.) 19 --- 20 BY MR. MacMAIN: 21 Q. Right there, you are asked, did he get 22 pushed over? And you said yes. Did I hear 23 that correctly? And this is at -- we stopped 24 at the 1:38 mark, so it would have been within</p>
<p style="text-align: right;">Page 67</p> <p>1 something in particular that I go past and 2 don't ask a question that someone is 3 interested in asking, rather than replay this 4 multiple times, I think that would be the 5 easiest. 6 Does that make sense for 7 everyone? 8 MR. ROSS: That's fine. Can I 9 just ask that when you stop, can you give us a 10 marker? 11 MR. MacMAIN: Absolutely. 12 MR. ROSS: Thanks. 13 --- 14 (Whereupon the 911 call was 15 played.) 16 --- 17 BY MR. MacMAIN: 18 Q. Okay, I'm going to stop there, Carmen. 19 You -- at this point, I didn't keep track, but 20 you told Tyrique -- I think you call him Ty -- 21 A. Yes. 22 Q. -- multiple times to put the 23 sledgehammer down. Is he still in the 24 bedroom or is he moved out of the bedroom when</p>	<p style="text-align: right;">Page 69</p> <p>1 five, ten seconds prior to us stopping? 2 A. Yes, that's correct. 3 Q. So you told the operator that Thomas got 4 pushed over; correct? 5 A. Yes. 6 Q. And you told us today that he fell, but 7 you told the operator he got pushed over; 8 correct? 9 A. Yes. 10 Q. I'm going to continue on at 1:38, keep 11 playing some more, and I will stop it again. 12 --- 13 (Whereupon the 911 call was 14 played.) 15 --- 16 BY MR. MacMAIN: 17 Q. I just stopped it, Carmen, at 2:09. And 18 early on, you would agree with me that you 19 told Ty several more times to put the 20 sledgehammer down; is that correct? 21 A. Yes. 22 Q. Was he still in the bedroom or had he 23 moved out into the hallway or to the kitchen? 24 A. He --</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. And if he was moving during this time, 2 you can tell me that as well. I'm just trying 3 you to figure out where he was when -- 4 A. I don't remember. 5 Q. Okay, you don't remember. 6 Let me just backtrack by a 7 tiny bit, and backtrack the two minutes. I'm 8 going to restart again. 9 --- 10 (Whereupon the 911 call was 11 played.) 12 --- 13 BY MR. MacMAIN: 14 Q. Okay, that part that I just played, it 15 is between 2:05 and 2:09, you say: No, Ty, we 16 didn't do anything, you started it. 17 Did I hear you correctly? 18 A. Yes. 19 Q. And what was Tyler saying that prompted 20 you to say that, no, you started it? If you 21 remember. 22 A. I don't remember. 23 Q. I am going to keep playing. We are 24 starting at 2:09.</p>	<p style="text-align: right;">Page 72</p> <p>1 ward? 2 A. No. 3 Q. Had there ever been talk about that with 4 Tyler, that he needed some kind of help for 5 emotional or mental health issues? 6 MR. ROSS: Just for the 7 record, Tyrique. I think you said Tyler a 8 few times, David. 9 MR. MacMAIN: Oh, I'm sorry, 10 yes, I will just say Ty, to make it easier. 11 Thank you. 12 THE WITNESS: No. 13 BY MR. MacMAIN: 14 Q. So no concerns, no discussion up to this 15 point about Tyrique or Ty -- not Tyler -- 16 being institutionalized or getting any kind of 17 mental health treatment? 18 A. No. 19 Q. Do you recall what Tyrique said that 20 would have prompted you to say, no, we are not 21 putting you away, we are trying to get help 22 for Dad? 23 A. I guess because of the -- you know, the 24 struggle.</p>
<p style="text-align: right;">Page 71</p> <p>1 --- 2 (Whereupon the 911 call was 3 played.) 4 --- 5 BY MR. MacMAIN: 6 Q. Okay, I just stopped it at 2:32, and you 7 just said, if I heard correctly: No, we are 8 not putting you away. We need to get help 9 for Dad. 10 Did I hear that correctly? 11 A. You heard that correctly. 12 Q. And what was -- can you explain to me 13 what Tyler said about putting him away? 14 What's that about? 15 A. I don't -- no, I don't remember. 16 Q. Okay. Had there been talk about having 17 Tyler committed somewhere prior to this 911 18 call? 19 A. No. 20 Q. No talk about having him committed to a 21 hospital? 22 A. No. 23 Q. No talk about having him committed to 24 any kind of mental health unit or psychiatric</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Well, I'm asking, did he say, like, you 2 are not going to have me arrested, you are not 3 going to have me put in jail? 4 A. No. 5 Q. Do you recall what he said? 6 A. No, he didn't say anything. 7 Q. Okay. I'm going to keep playing from 8 -- we are starting again at 2:32. 9 --- 10 (Whereupon the 911 call was 11 played.) 12 --- 13 BY MR. MacMAIN: 14 Q. So, Carmen, I just stopped it at 3:28. 15 At least, at this point, it sounds like Ty has 16 still not put the sledgehammer down, because 17 you are telling him again, please put it down. 18 Is that correct? 19 A. Yes. 20 Q. And at this point, was Thomas conscious 21 or unconscious, if you know? 22 A. He was conscious. 23 Q. Was there ever a point that he became 24 unconscious prior to the police arriving?</p>

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<p>1 A. No.</p> <p>2 Q. So he was conscious the entire time up</p> <p>3 until when the police came, at least?</p> <p>4 A. Yes.</p> <p>5 Q. We are going to continue on from 3:28.</p> <p>6 ---</p> <p>7 (Whereupon the 911 call was</p> <p>8 played.)</p> <p>9 ---</p> <p>10 BY MR. MacMAIN:</p> <p>11 Q. Okay, you just said -- I stopped it at</p> <p>12 3:44. You said: No, nobody is going to do</p> <p>13 anything.</p> <p>14 Do you know what prompted you</p> <p>15 to say that?</p> <p>16 A. No, I don't know.</p> <p>17 Q. Then you said something about "no</p> <p>18 decoy." What are you referring to there?</p> <p>19 What's that about?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay, I'm going to keep playing at 3:44.</p> <p>22 ---</p> <p>23 (Whereupon the 911 call was</p> <p>24 played.)</p>	<p>1 time whether Ty had put the sledgehammer down</p> <p>2 or not?</p> <p>3 Let me strike that. Let me</p> <p>4 ask it a different way. At the time this is</p> <p>5 happening, you are reporting that he hadn't</p> <p>6 put the sledgehammer down yet. I guess my</p> <p>7 question is, do you have any reason to think,</p> <p>8 as you sit here now, some time later, that he</p> <p>9 still -- that he did not put the sledgehammer</p> <p>10 down?</p> <p>11 A. I don't --</p> <p>12 Q. You just don't know one way or the</p> <p>13 other?</p> <p>14 A. No.</p> <p>15 Q. Okay, that's fair. I'm going to keep</p> <p>16 playing at 4:39.</p> <p>17 ---</p> <p>18 (Whereupon the 911 call was</p> <p>19 played.)</p> <p>20 ---</p> <p>21 BY MR. MacMAIN:</p> <p>22 Q. So, Carmen, I want to ask about that.</p> <p>23 We just stopped it at 5:17. The 911 operator</p> <p>24 asked: Does he have any kind of mental</p>
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<p>1 ---</p> <p>2 BY MR. MacMAIN:</p> <p>3 Q. Okay, I just stopped it at 4:38. You</p> <p>4 were asked: Did your son put the sledgehammer</p> <p>5 down yet? And you said no.</p> <p>6 Is that correct? Do you want</p> <p>7 me to replay it? Carmen?</p> <p>8 A. I don't remember. I don't remember.</p> <p>9 Q. Okay, but first of all, did I hear</p> <p>10 correctly where the 911 operator said: Did he</p> <p>11 put the sledgehammer down yet, and you said</p> <p>12 no?</p> <p>13 I can replay it. It is not a</p> <p>14 guessing game. So I'm going back to 4:27.</p> <p>15 ---</p> <p>16 (Whereupon the 911 call was</p> <p>17 played.)</p> <p>18 ---</p> <p>19 BY MR. MacMAIN:</p> <p>20 Q. Okay, did you hear that? He is asking</p> <p>21 whether he put the sledgehammer down yet, and</p> <p>22 you said no; is that correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And do you recall hearing it the second</p>	<p>1 conditions that we need to be aware of? And</p> <p>2 you said: Yeah, he snapped.</p> <p>3 Okay? Did I record that</p> <p>4 correctly?</p> <p>5 A. Yes.</p> <p>6 Q. And when you said about he snapped, we</p> <p>7 had talked about that earlier, you had said</p> <p>8 that a day or two before, he talked about</p> <p>9 people coming to 1931, trying to get into</p> <p>10 1931; correct? Is that what you were</p> <p>11 referring to, about the snapped?</p> <p>12 A. Yes.</p> <p>13 Q. But I think, and correct me, if I'm</p> <p>14 wrong, that you told me earlier that you kind</p> <p>15 of didn't think that was unusual or you kind</p> <p>16 of had some concerns as well; is that correct?</p> <p>17 MR. ROSS: Objection to the</p> <p>18 form of the question. You can answer.</p> <p>19 THE WITNESS: Repeat that</p> <p>20 again.</p> <p>21 BY MR. MacMAIN:</p> <p>22 Q. Sure. So you told the operator, in</p> <p>23 response to a question about whether Tyrique</p> <p>24 had any kind of mental health problems, you</p>

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<p style="text-align: right;">Page 78</p> <p>1 kind of thought for a brief second, and you 2 said, yeah, he snapped a couple of days ago. 3 Correct? That's what you said to -- 4 A. No, I was telling him, I was meaning 5 about him saying people would run up into the 6 house and people on the property. 7 Q. Right, but -- and that's what you told 8 me earlier, that was what Tyrique was telling 9 you. 10 My questions are as follows. 11 My first question is, when Tyrique had said 12 that a couple of days before this, did you 13 think that he was having some kind of mental 14 breakdown? 15 A. I didn't believe it at first. 16 Q. Right, so you didn't -- when he was 17 talking about people breaking into 1931, you 18 didn't believe him; correct? 19 A. No. 20 Q. Did you believe he was making it up or 21 you just couldn't believe that someone was 22 trying to break into 1931? 23 A. No, somebody breaking into 1931. 24 Q. Did you think that he was having some</p>	<p style="text-align: right;">Page 80</p> <p>1 form of the question. You can answer. 2 BY MR. MacMAIN: 3 Q. Let me ask it a different way. I'm 4 assuming, as his mom, who loved him and wanted 5 the best for him, that if you were concerned 6 he had some kind of mental illness for which 7 he needed treatment, that you would have 8 gotten it for him; correct? 9 A. Yes. 10 Q. So you didn't think, at that point, he 11 had any kind of -- any need for mental health 12 treatment up to this point; correct? 13 MR. ROSS: Objection to the 14 form of the question. You can answer. 15 THE WITNESS: Yes. 16 BY MR. MacMAIN: 17 Q. So I'm going to continue on. We are 18 going to continue from 5:17, and then I may 19 ask some additional questions. 20 MR. NORFLEET: Before you 21 start the 911 tape, I just wanted to note that 22 you referred to Tyrique as Tyler before that 23 series of questions about the mental health, 24 so I just want to make sure everyone</p>
<p style="text-align: right;">Page 79</p> <p>1 kind of mental break or some kind of mental 2 illness problem when he told you that? 3 A. No. 4 Q. So when you are asked, when this 5 incident is unfolding, and you are on the 6 call, and you said he snapped, you are 7 referring to this breaking into 1931 concern; 8 correct? 9 A. That's correct. 10 Q. But up to this point, at least, when you 11 are on the -- until you are on the phone with 12 the 911 operator, you didn't think there was a 13 mental illness problem for which Ty needed 14 medical treatment or mental health treatment; 15 correct? 16 A. Rephrase that again. Say it again. 17 Q. Sure. So, a day or two before Tyrique 18 starts talking about somebody breaking into 19 1931, and I think, if I understand your 20 answer, you didn't think, at least up until 21 the time of this call, that Ty had any kind of 22 mental illness or mental break for which he 23 needed treatment; correct? 24 MR. ROSS: Objection to the</p>	<p style="text-align: right;">Page 81</p> <p>1 understands you were asking about Tyrique. 2 MR. MacMAIN: Yes, Riley 3 already corrected me on that, so if I segue 4 into Tyler, instead of Ty or Tyrique, we are 5 all -- I'm talking about the same guy. My 6 apologies. 7 MR. NORFLEET: We will have 8 that as a standing understanding; correct? 9 MR. MacMAIN: Correct. 10 --- 11 (Whereupon the 911 call was 12 played.) 13 --- 14 MR. ROSS: Do you understand 15 that when he says Tyler, he is talking about 16 Tyrique? 17 THE WITNESS: Yes. 18 MR. MacMAIN: My apologies. 19 Let me get back to the -- okay, we are going 20 to pick up at 5:20. 21 --- 22 (Whereupon the 911 call was 23 played.) 24 ---</p>

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<p>1 BY MR. MacMAIN:</p> <p>2 Q. So, Carmen, again, you say, "no decoy."</p> <p>3 Do you know what you are referring to?</p> <p>4 MR. ROSS: You have to speak</p> <p>5 up, Carmen.</p> <p>6 THE WITNESS: No. I don't</p> <p>7 remember, I don't remember.</p> <p>8 MR. ROSS: David, could you</p> <p>9 give us --</p> <p>10 MR. MacMAIN: The time stamp</p> <p>11 is 5:50. So we are going to continue on.</p> <p>12 ---</p> <p>13 (Whereupon the 911 call was</p> <p>14 played.)</p> <p>15 ---</p> <p>16 BY MR. MacMAIN:</p> <p>17 Q. So the question that was posed was, do</p> <p>18 you guys feel you are in danger with him, and</p> <p>19 you said yes. Is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. What were you concerned -- what danger?</p> <p>22 What was your concern?</p> <p>23 A. Well, because of what he was saying a</p> <p>24 couple of days ago about, you know, people</p>	<p>1 Q. Was there any discussion at this point</p> <p>2 about him being -- Tyrique being arrested?</p> <p>3 A. No.</p> <p>4 Q. I'm going to probably stop at this</p> <p>5 point. I don't think there is anything for</p> <p>6 the rest of the call that I need to ask you</p> <p>7 about, but other people may, so I don't want</p> <p>8 to tell you you are done with the 911 call,</p> <p>9 but I think that's all I really needed to ask</p> <p>10 you about.</p> <p>11 Let me ask you, at any point</p> <p>12 during the call, did you indicate that you</p> <p>13 wanted Tyrique -- Tyrique, not Thomas -- taken</p> <p>14 to the hospital?</p> <p>15 A. No.</p> <p>16 Q. Did you indicate at any point during the</p> <p>17 call with the 911 operator that you thought</p> <p>18 that Tyrique needed to be taken to any kind of</p> <p>19 psychiatric facility or a mental health</p> <p>20 facility?</p> <p>21 A. No.</p> <p>22 Q. Same question, I'm jumping ahead now,</p> <p>23 the police have arrived, they leave with</p> <p>24 Tyrique. At any point when the police were</p>
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<p>1 running up in our house and on our property.</p> <p>2 Q. Okay, anything else? And let me be more</p> <p>3 specific. You explained to me there was just</p> <p>4 kind of this tug of war over the sledgehammer,</p> <p>5 but were you concerned that he was going to</p> <p>6 use the sledgehammer on your husband or your</p> <p>7 -- on Thomas?</p> <p>8 A. No.</p> <p>9 Q. Okay. I'm going to pick back up. We</p> <p>10 ended at the six-minute mark. I'm going to</p> <p>11 continue playing the 911 call.</p> <p>12 ---</p> <p>13 (Whereupon the 911 call was</p> <p>14 played.)</p> <p>15 ---</p> <p>16 BY MR. MacMAIN:</p> <p>17 Q. Okay, I just stopped it at 7:01. It</p> <p>18 sounds like, just before I stopped it, you</p> <p>19 were talking to Tyrique, and you make a</p> <p>20 comment or you say something to him, you</p> <p>21 messed up. Did I hear that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. What were you referring to?</p> <p>24 A. The tussling with his father.</p>	<p>1 there, did you indicate to the officers that</p> <p>2 you thought Tyrique needed to be taken to a</p> <p>3 hospital?</p> <p>4 A. No.</p> <p>5 Q. So I want to jump ahead now. The</p> <p>6 police arrive, and I want you to tell me in</p> <p>7 your own words what you remember about the</p> <p>8 police arrival, what people said, what you</p> <p>9 said and so forth. And again, much like the</p> <p>10 911 call, I'm probably going to stop you every</p> <p>11 so often and ask you more specific questions.</p> <p>12 A. Okay. There was a knock on the back</p> <p>13 door, and I told Tyrique, I said, open the</p> <p>14 door for the ambulance. So he goes and opens</p> <p>15 the door. The screen door is locked, so he</p> <p>16 had to unlock the screen door. So he goes</p> <p>17 and unlocks it, and there is three officers</p> <p>18 outside. And he then pushed -- he pushed the</p> <p>19 screen door, just pushed the screen door, like</p> <p>20 that, open. And one of the officers said,</p> <p>21 come out and put your hands behind your back.</p> <p>22 So he came out, and he put his hands behind</p> <p>23 his back.</p> <p>24 Q. Can you describe any of the three</p>

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<p style="text-align: right;">Page 86</p> <p>1 officers? White, black, old, young, tall, 2 short? 3 A. Okay, it was two white and one black. 4 Q. Had you ever spoken or seen any one of 5 these three officers before? 6 A. Yes. 7 Q. Which one had you seen before? Or which 8 ones, if it is more than one? 9 A. Okay, I seen Richard Wilson. 10 Q. And how did you have a prior interaction 11 with him? 12 A. I just know him from -- like, sometimes, 13 like, every so often, the township, they send 14 like books out, and they tell you things, 15 what's happening in the -- you know, the 16 community or what's -- things just like that. 17 Q. You just kind of knew him as an officer, 18 maybe had spoken with him once or twice, but 19 that's kind of the extent of it? 20 A. Yeah. 21 Q. Any bad experiences with Officer Wilson? 22 A. No. 23 Q. How about the other two guys? Did you 24 know either one of them?</p>	<p style="text-align: right;">Page 88</p> <p>1 all three left, and the only one that came 2 back inside was Richard Wilson. 3 Q. So I want you to tell me about your 4 conversation with Wilson when he came back in. 5 A. Okay, when Richard Wilson came back in, 6 he said, did he strike? I said no. He says, 7 ma'am, did he strike? And I said, nobody 8 struck nobody. And then, Mr. Matthews, 9 Thomas Matthews, had a pill bottle -- had pill 10 bottles on the kitchen table. And I seen 11 Wilson pick it up, and then he tried to -- he 12 picked it up, and then he scribbled something 13 on a little tablet. And then he asked me my 14 -- he asked me about my name and my phone 15 number. And then he was done with it. He 16 didn't say no more, you know, to me. 17 Q. And was this just you and Wilson talking 18 or was Thomas involved in this? 19 A. Well, Thomas was still back on the 20 floor. 21 Q. Do you know, were there -- I'm sorry. 22 A. I said Thomas still was back on the 23 floor. He still was on the floor. And Mr. 24 -- Thomas had like moved. And Wilson did</p>
<p style="text-align: right;">Page 87</p> <p>1 A. No. 2 Q. And then Wilson was one of the two 3 Caucasian officers? 4 A. That's correct. 5 Q. So you described that they asked Tyrique 6 -- I almost said Tyler -- Tyrique, to come 7 out, he comes out, he gets handcuffed, and 8 then he gets taken away; is that correct? 9 A. All three of them left. 10 Q. I'm sorry, I interrupted you. That was 11 my fault. Sorry. 12 A. After they handcuffed him, they all just 13 left. 14 Q. I'm sorry, I did it again. I thought 15 you were done. So they left, and then I kind 16 of cut you off, I apologize. 17 So did you have any 18 conversation with the officers before they 19 left? 20 A. No. 21 Q. Was there -- did you tell them or did 22 they ask you questions about what had 23 happened? 24 A. Well, okay, the only one that -- okay,</p>	<p style="text-align: right;">Page 89</p> <p>1 like this (indicating), looked at him, and 2 just went (indicating), and just turned his 3 head back around like that. 4 Q. What you indicated is, he kind of turns 5 -- 6 A. Yeah, he turned and looked at -- when he 7 heard Mr. Matthews had moved, he looked at 8 him, and then just turned his head back. 9 Q. Do you know whether Wilson interviewed 10 Thomas at some point to get his version of 11 what happened? 12 A. No. 13 Q. You don't know one way or the other or 14 you -- 15 A. No, he didn't, no. 16 Q. Okay, have you looked at any of the 17 police reports that narrate and summarize an 18 interview with Matthews-Kemrer as to what 19 happened? 20 A. Yes. 21 Q. And in that report, and I'm going to 22 summarize it, Matthews-Kemrer said he was 23 struck several times with the sledgehammer by 24 Tyrique; correct?</p>

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<p style="text-align: right;">Page 90</p> <p>1 A. Yes, that's what it said.</p> <p>2 Q. And do you believe that that's what</p> <p>3 Thomas told the officer or do you think that's</p> <p>4 just made up?</p> <p>5 MR. ROSS: Objection to the</p> <p>6 form of the question. You can answer.</p> <p>7 THE WITNESS: No, he didn't</p> <p>8 tell the officers that.</p> <p>9 BY MR. MacMAIN:</p> <p>10 Q. No?</p> <p>11 A. No.</p> <p>12 Q. How do you know that he never told the</p> <p>13 officers that?</p> <p>14 A. Because he didn't -- it didn't happen.</p> <p>15 Q. Well, I'm not asking --</p> <p>16 A. Wilson had already asked, did he strike,</p> <p>17 and I said no, and then he said, ma'am, did he</p> <p>18 strike? And I said no. So why would he say</p> <p>19 that? I don't understand why Thomas Matthews</p> <p>20 would say it. I had already told Wilson that</p> <p>21 nobody struck nobody.</p> <p>22 Q. I know what you told the officer. My</p> <p>23 question is, do you know that Thomas didn't</p> <p>24 tell the officer something different than what</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yes.</p> <p>2 Q. Okay, there we go. This is Bates</p> <p>3 labeled Susquehanna 000056, and it continues</p> <p>4 on for several pages.</p> <p>5 So, Carmen, I'm going to</p> <p>6 scroll through these with you. I will</p> <p>7 represent to you that these were photographs</p> <p>8 taken at Holy Spirit Hospital by Officer</p> <p>9 Wilson on June 18, 2019 at 5:45 a.m., okay?</p> <p>10 MR. ROSS: David, hang on one</p> <p>11 second. Okay.</p> <p>12 BY MR. MacMAIN:</p> <p>13 Q. Carmen, can you see what I have got on</p> <p>14 the screen?</p> <p>15 A. Yes.</p> <p>16 Q. So this is the first page, which is the</p> <p>17 cover sheet. Okay, this is a picture of</p> <p>18 Thomas; correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Were you at the hospital with him or no?</p> <p>21 A. No.</p> <p>22 Q. Here is another picture, and there are</p> <p>23 some marks on his right arm. Do you know how</p> <p>24 he got those marks?</p>
<p style="text-align: right;">Page 91</p> <p>1 you told him?</p> <p>2 A. No.</p> <p>3 Q. You don't know one way or the other what</p> <p>4 Thomas told the officer?</p> <p>5 A. That's correct.</p> <p>6 Q. Okay. I want to do a share screen</p> <p>7 again, so bear with me. I might have to get</p> <p>8 my assistant in here again.</p> <p>9 Okay, can everybody see that?</p> <p>10 MR. ROSS: No.</p> <p>11 MR. MacMAIN: Okay, I will be</p> <p>12 right back. Let me get my assistant, my</p> <p>13 apologies.</p> <p>14 ---</p> <p>15 (Whereupon a short break was</p> <p>16 taken at this time.)</p> <p>17 ---</p> <p>18 BY MR. MacMAIN:</p> <p>19 Q. Okay, can everybody see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So, Carmen, I'm going to show</p> <p>22 you, and this is Bates labeled Susquehanna --</p> <p>23 I don't know what happened. Can you all</p> <p>24 still hear and see me?</p>	<p style="text-align: right;">Page 93</p> <p>1 A. From a radiator heater.</p> <p>2 Q. Okay, how did he get marks from a</p> <p>3 radiator heater on his arm?</p> <p>4 A. When he fell back, and the radiator</p> <p>5 doesn't have a case on it. It is just a metal</p> <p>6 -- you know.</p> <p>7 Q. And where in the struggle did this</p> <p>8 happen? Was this in the kitchen, in the</p> <p>9 hallway?</p> <p>10 A. That was in the bathroom.</p> <p>11 Q. The next picture is just a close-up.</p> <p>12 That's the same arm. I'm looking at injuries</p> <p>13 to his right kind of kneecap area. Do you</p> <p>14 know how this happened?</p> <p>15 A. That came from the rugs.</p> <p>16 Q. When he fell or at what point?</p> <p>17 A. When he fell back, then he end up</p> <p>18 turning onto his front, so his legs was on --</p> <p>19 his knees was on that rug.</p> <p>20 Q. The next one, this is a close-up of the</p> <p>21 same location, and then this is Susquehanna</p> <p>22 000062. This looks like the right elbow, arm</p> <p>23 area. Do you know how that injury occurred?</p> <p>24 A. No, I guess from falling back -- when he</p>

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<p style="text-align: right;">Page 94</p> <p>1 fell down, I don't know. 2 Q. I'm on to Susquehanna 00063. This is a 3 photograph of the side of the left face and 4 the upper left chest area? 5 A. Yes. 6 Q. Do you know, I'm referring kind of to 7 some things on that upper left chest area. Do 8 you know how those injuries occurred? 9 A. That's where his pacemaker is. 10 Q. Right. Onto the next slide, no 11 questions about that, okay. 12 Have you ever looked at the 13 medical records for the treatment that Thomas 14 received on the date of the incident? 15 A. No. 16 Q. Have you ever spoken to Thomas about 17 what he told the medical personnel at the 18 hospital as to what happened in the incident? 19 A. No. 20 Q. Have you and Thomas ever talked about 21 the incident, what happened that caused 911 to 22 be called? 23 A. No. 24 Q. So you haven't had a conversation about</p>	<p style="text-align: right;">Page 96</p> <p>1 A. No, he didn't call. 2 Q. Do you know if anybody from your family 3 had any contact with Tyrique during those two 4 weeks? 5 A. No. 6 Q. Did you contact the prison at any point 7 during those two weeks to check on Tyrique to 8 see how he was, how his health was, how he was 9 doing? 10 A. No. 11 Q. Why not? 12 A. Because I thought Tyrique would call -- 13 he was supposed to call us first. 14 Q. Did there come a point during the two 15 weeks, where you thought, I haven't heard from 16 him, I should probably call over and see how 17 he is doing or what is going on? 18 A. Okay, this is what I am going to get to. 19 When -- on June 18th, Officer Wilson had 20 called. He was -- he already said, you know, 21 what his bail was going to be. He said that 22 it took a while to see the judge. And so he 23 pretty much already had told us, told me, you 24 know, what was going on.</p>
<p style="text-align: right;">Page 95</p> <p>1 what happened that day? 2 A. No. 3 Q. Is that -- did this incident cause some 4 of the marital stress that you -- that you and 5 Thomas have, currently? 6 A. Yes. 7 Q. Do you blame him in some manner for 8 Tyrique's death? 9 A. No. 10 Q. Do you believe that he has reported to 11 the police that Tyrique assaulted him with the 12 sledgehammer? 13 A. No. 14 Q. So from the time that Tyrique was driven 15 away by the police, did you ever see Tyrique 16 in person ever again? 17 A. I hadn't, no. 18 Q. Did you speak with him at all during -- 19 I guess it was about two weeks later when he 20 passed away. Did you speak with him at any 21 point during those two weeks? 22 A. No. 23 Q. Did he attempt to call you at any point 24 during those two weeks?</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. So that was on June 18th. Was there 2 any further communication with Wilson, Officer 3 Wilson, or anybody else from Susquehanna? 4 A. No, just Wilson. 5 Q. Okay. Any other communication from 6 Wilson, other than on June 18th? 7 A. Just June 18th. 8 Q. And no -- just so I'm clear, no 9 communication between you and anybody from the 10 prison up until the time of your son's death; 11 is that correct? 12 A. Okay, well, after Wilson was about to 13 hang up the phone with me, he said: Did you 14 receive another call? And I said no, but 15 later on that night, a call came in from the 16 prison. 17 Q. Okay, tell me about that call. 18 A. Okay. So I picked the phone up, and I 19 said hello. And his name was Keith Biter. 20 He said: Is this Carmen? I said yes. He 21 said: Tyrique's bail is 20,000 straight. And 22 hung up. 23 Q. Do you know who Keith Biter is? Is he 24 someone at the prison or is he like a court</p>

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<p style="text-align: right;">Page 98</p> <p>1 officer, a bail bondsman?</p> <p>2 A. No, he is from the prison.</p> <p>3 Q. And was that the extent of the</p> <p>4 conversation that you can recall?</p> <p>5 A. That's all he said, and he hung up on</p> <p>6 me.</p> <p>7 Q. Did you -- I think you have answered</p> <p>8 this already, but just to be complete, you</p> <p>9 didn't call the prison and follow up in any</p> <p>10 way about bail, about how Tyrique was doing,</p> <p>11 about what was going on?</p> <p>12 A. No, because he said 20,000 straight.</p> <p>13 And that's going to take somebody some time to</p> <p>14 get \$20,000 straight. I mean, it is going to</p> <p>15 take some time.</p> <p>16 Q. I have asked about conversations with</p> <p>17 Susquehanna, I have asked about conversations</p> <p>18 with anybody from the prison. Did you speak</p> <p>19 to any lawyers about Tyrique and trying to get</p> <p>20 him help or get him representation? And if</p> <p>21 you did, don't tell me about what you spoke</p> <p>22 about first, okay?</p> <p>23 A. No, I did not.</p> <p>24 Q. Do you know if any other family members</p>	<p style="text-align: right;">Page 100</p> <p>1 he also said that Dad is not going to press no</p> <p>2 charges, so -- and he also said, when a</p> <p>3 preliminary hearing come up, that Thomas</p> <p>4 Matthews would have his time to speak. And he</p> <p>5 also said -- asked how he was doing. And I</p> <p>6 said, well, he is home already. And he said,</p> <p>7 no, but how is he doing, though? I said, he's</p> <p>8 okay. And I just wanted to add that on.</p> <p>9 And then, he also said -- wait a minute. He</p> <p>10 also said it took a while to see the judge.</p> <p>11 He said it took a while to see the judge.</p> <p>12 And that's when he said, you know, about</p> <p>13 Tyrique was being charged with assault and the</p> <p>14 amount of his bail. That's what I wanted to</p> <p>15 add on.</p> <p>16 Q. Anything else? Nothing else you wanted</p> <p>17 to supplement or add to?</p> <p>18 A. That's it.</p> <p>19 Q. Okay. I'm probably close to being</p> <p>20 done, so let me -- I'm going to kind of jump</p> <p>21 around a little bit.</p> <p>22 I had asked you before about</p> <p>23 Thomas, and you said, in terms of employment,</p> <p>24 he has not been employed for some period of</p>
<p style="text-align: right;">Page 99</p> <p>1 reached out to any lawyers regarding the</p> <p>2 situation with Tyrique while he was</p> <p>3 incarcerated?</p> <p>4 A. No.</p> <p>5 MR. MacMAIN: Okay, I think</p> <p>6 this is probably a good time for another short</p> <p>7 break. I'm going to check my notes. I think</p> <p>8 I am close to being wrapped up, but why don't</p> <p>9 we take another short ten-minute break?</p> <p>10 MR. ROSS: Okay, we will come</p> <p>11 back at 4:00?</p> <p>12 MR. MacMAIN: Yes, 4:00</p> <p>13 o'clock sounds good.</p> <p>14 ---</p> <p>15 (Whereupon a short break was</p> <p>16 taken at this time.)</p> <p>17 ---</p> <p>18 BY MR. MacMAIN:</p> <p>19 Q. Carmen, the same question I had when we</p> <p>20 took another break before. Is there any</p> <p>21 answers you have given me so far that you</p> <p>22 think need to be corrected or added to or</p> <p>23 clarified in any way?</p> <p>24 A. Back to when Wilson called on June 18th,</p>	<p style="text-align: right;">Page 101</p> <p>1 time, he is collecting disability. When he</p> <p>2 was working, what kind of jobs did he do?</p> <p>3 What field was he in?</p> <p>4 A. Over-the-road truck driving.</p> <p>5 Q. And I think I asked this in the</p> <p>6 beginning, but do the two of you currently</p> <p>7 live together?</p> <p>8 A. Well, sometimes, I am over at 1930 -- I</p> <p>9 mostly stay over at 1931.</p> <p>10 Q. Are you -- if I understand it, 1931 is</p> <p>11 kind of your place, your mom --</p> <p>12 A. Yes.</p> <p>13 Q. -- your brother --</p> <p>14 MR. ROSS: Let him finish.</p> <p>15 THE WITNESS: Repeat it.</p> <p>16 BY MR. MacMAIN:</p> <p>17 Q. Yes. So, as I understood earlier, 1931</p> <p>18 is kind of your primary residence, your mom,</p> <p>19 your brother, and Thomas' primary residence is</p> <p>20 2003; correct?</p> <p>21 A. Correct.</p> <p>22 Q. So my question is, are you living --</p> <p>23 currently living under the same roof or do you</p> <p>24 live separately?</p>

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<p style="text-align: right;">Page 102</p> <p>1 A. We have been staying kind of under the 2 same roof now since this happened. 3 Q. So you are living -- so he is living at 4 1931 or 19 -- 5 A. No, he is living at -- he is staying 6 over at 2003. 7 Q. And you are staying at 2003? 8 A. I'm staying over there. 9 Q. Have you -- and this is going to be kind 10 of an odd question. I apologize. Have you 11 ever been the victim of domestic violence? 12 A. No, I haven't. 13 Q. Have you ever witnessed domestic 14 violence? 15 A. No. 16 Q. In terms of damages, I asked you earlier 17 on about financial support of Tyrique. To 18 you, I asked some questions about Tyrique's 19 financial situation. I want to follow up a 20 little bit on that. 21 Is there any -- was there any 22 other financial support beyond what you have 23 already told me that Tyrique provided to you 24 or his dad?</p>	<p style="text-align: right;">Page 104</p> <p>1 that you are aware of? 2 A. No. 3 Q. Any funeral expenses, anything like that 4 that have to be paid? 5 A. No, that's paid. 6 Q. Okay, who paid for the funeral? 7 A. I did. 8 Q. Is there any financial -- and I'm going 9 to separate it to be clear, and I apologize 10 for being this blunt about it, but I'm going 11 to separate financial versus emotional, okay? 12 So is there any financial -- has there been 13 any financial impact on your family with 14 Tyrique's passing? 15 A. No. 16 Q. So do you know whether Thomas has gotten 17 any counseling over his son's death? 18 A. We go to the same counselor. 19 Q. Oh, do you go to the counselor together 20 or completely separately? 21 A. We do like we are doing now, like, Zoom. 22 Q. Okay, but you had told me earlier, the 23 counselor that you are seeing, that's just you 24 or that's you and Thomas together or some</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No. 2 Q. And in terms of going the other way, in 3 terms of financial support that you and/or his 4 dad provided to Tyrique, he had a house to 5 live in; correct? He lived under your roof? 6 A. Yes. 7 Q. You provided him with medical insurance 8 through your medical plan; correct? 9 A. Yes. 10 Q. I'm assuming that you provided food and 11 nourishment other than when he would 12 occasionally assist in helping pay for the 13 food in the household; correct? 14 A. Yes. 15 Q. Was there any other financial support 16 that you and/or his dad provided to Tyrique, 17 whether clothes, various other things? 18 A. Clothes. 19 Q. And so I'm clear, there has been no -- 20 to your knowledge, there is no debts from the 21 estate? Like nothing that's owed that has to 22 be paid out? 23 A. No. 24 Q. Any medical bills that have to be paid</p>	<p style="text-align: right;">Page 105</p> <p>1 combination of you have solo visits and then 2 couple visits? 3 A. Yes, together. 4 Q. So all the counseling has been as a 5 couple? 6 A. I have missed a few, but usually, it is 7 together. 8 Q. So if you can't make it, is it just 9 Thomas and the counselor? 10 A. Yes. 11 Q. Have there been any sessions where it 12 has been just you and not Thomas? 13 A. No. 14 Q. Okay, I think that's all the questions I 15 have. And rather than hold everybody up while 16 I double-check my notes, I'm going to let 17 other people ask questions, and if I miss 18 something, I will come back to it. Thank you 19 for your time and your candor. And again, my 20 condolences on the loss of your son. 21 A. Thank you. 22 --- 23 EXAMINATION 24 ---</p>

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<p style="text-align: right;">Page 106</p> <p>1 BY MR. NINOSKY:</p> <p>2 Q. I'm not sure who is up next, but I will</p> <p>3 go first. I will turn my mic on.</p> <p>4 Ma'am, I'm John Ninosky. I</p> <p>5 represent the medical folks, PrimeCare</p> <p>6 Medical, in this case. I'm just going to</p> <p>7 have a few follow-up questions for you, okay?</p> <p>8 A. Okay.</p> <p>9 Q. And the same rules that Mr. MacMain had</p> <p>10 given you apply for my questions as well.</p> <p>11 Most importantly, if you don't understand</p> <p>12 anything I ask you, let me know, so I can</p> <p>13 restate it or rephrase it for you, all right?</p> <p>14 A. Okay.</p> <p>15 Q. I'm going to make sure I wrote some of</p> <p>16 these things down correctly.</p> <p>17 Tyrique graduated from</p> <p>18 Susquehanna Township High School; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did he have any other formal education</p> <p>21 after Susquehanna Township?</p> <p>22 A. No.</p> <p>23 Q. Was there any type of particular</p> <p>24 curriculum that he took at Susquehanna</p>	<p style="text-align: right;">Page 108</p> <p>1 us, the temp agency, as well as UPS, were</p> <p>2 those jobs always after he had graduated?</p> <p>3 A. Yes.</p> <p>4 Q. Out of that approximately three-year</p> <p>5 period, can you tell me, how many months do</p> <p>6 you think he actually worked?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you think it was less than a year</p> <p>9 total, though?</p> <p>10 A. Yes.</p> <p>11 Q. Were the jobs ever full time in nature</p> <p>12 or was it always part-time work?</p> <p>13 A. Well, I mean, he got eight hours in, but</p> <p>14 they weren't like -- because it was a temp</p> <p>15 service.</p> <p>16 Q. I understand that. So, really, my</p> <p>17 question is, was he ever getting 40 hours a</p> <p>18 week or was it always something less than that</p> <p>19 or at least generally less than that?</p> <p>20 A. I would say -- yeah, I would say</p> <p>21 40 hours.</p> <p>22 Q. Was there a tax service that would do</p> <p>23 his taxes?</p> <p>24 A. I remember us going to a place, they did</p>
<p style="text-align: right;">Page 107</p> <p>1 Township?</p> <p>2 A. No.</p> <p>3 Q. What type of student was he?</p> <p>4 A. He was a C student, and he -- he tried</p> <p>5 hard.</p> <p>6 Q. Did he graduate on grade level? In</p> <p>7 other words, did he pass everything through or</p> <p>8 was he ever held back?</p> <p>9 A. No, he passed everything through.</p> <p>10 Q. Did he play any sports at the Hanna?</p> <p>11 A. No sports.</p> <p>12 Q. Can you give me an estimate as to the</p> <p>13 longest amount of time that he would have been</p> <p>14 employed?</p> <p>15 A. I can't.</p> <p>16 Q. Would it be fair to say that he never</p> <p>17 was employed more than six months at one time?</p> <p>18 A. Yes.</p> <p>19 Q. And I guess it would have been</p> <p>20 approximately three years or so from the time</p> <p>21 that he graduated until the time of his</p> <p>22 passing? Is that about right?</p> <p>23 A. That's about right.</p> <p>24 Q. Were the jobs that you had referenced to</p>	<p style="text-align: right;">Page 109</p> <p>1 it for free, so I don't -- but I can't</p> <p>2 remember where it was. I don't know if it</p> <p>3 was like AARP. I'm not sure, but it was for</p> <p>4 free. I know that.</p> <p>5 Q. Other than the two places of employment</p> <p>6 that you shared with us, was there any other</p> <p>7 income that Ty was able to get or obtain?</p> <p>8 A. No. Sometimes, he would do yard work,</p> <p>9 but that would be -- you know, they paid in</p> <p>10 cash, you know, to do yard work for someone</p> <p>11 else.</p> <p>12 Q. How often would he do that for other</p> <p>13 folks, ma'am?</p> <p>14 A. I guess it was only when someone asked,</p> <p>15 you know, if they needed help.</p> <p>16 Q. Unfortunately, I didn't have an</p> <p>17 opportunity to meet your son, so I don't know</p> <p>18 his interests and those types of things. What</p> <p>19 type of interests did he have? What did he</p> <p>20 like to do?</p> <p>21 A. He liked to do -- well, he liked to</p> <p>22 sing. He liked to try to, you know, make</p> <p>23 music.</p> <p>24 Q. What type of music did he like to make?</p>

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<p style="text-align: right;">Page 110</p> <p>1 A. Rap.</p> <p>2 Q. And when he wasn't working, how would he</p> <p>3 fill his day, you know, what would he do?</p> <p>4 A. Whatever we would need around the house</p> <p>5 to be done.</p> <p>6 Q. And you had told us earlier that he</p> <p>7 would help with cutting your own grass; is</p> <p>8 that correct?</p> <p>9 A. Yes.</p> <p>10 Q. By the way, ma'am, the house, you were</p> <p>11 giving us the addresses, it was 1931 and then</p> <p>12 2000 -- is it 3? Did I get that right?</p> <p>13 A. Yes.</p> <p>14 Q. Is that two double homes or what is</p> <p>15 that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So there is a little bit of a</p> <p>18 yard there then?</p> <p>19 A. Yes.</p> <p>20 Q. So he would help with mowing the grass,</p> <p>21 he would help shoveling whenever it would</p> <p>22 snow; is that correct?</p> <p>23 A. Yes, raking leaves, chopping wood.</p> <p>24 Q. How about when -- for laundry, who would</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Let's do it this way. I'm not going to</p> <p>2 ask you for a transcript of the call, but is</p> <p>3 it -- here is how I'm taking it from your</p> <p>4 testimony, that Thomas was concerned about</p> <p>5 Ty's drug use; fair?</p> <p>6 A. Yes.</p> <p>7 Q. And part of that concern was, he wanted</p> <p>8 to report the drug dealer to the police to see</p> <p>9 if they could do something about it; is that</p> <p>10 fair?</p> <p>11 A. Say that again.</p> <p>12 Q. Sure. Thomas called Susquehanna</p> <p>13 Township Police; correct?</p> <p>14 A. Correct.</p> <p>15 Q. And the purpose of that call was to tell</p> <p>16 the police about who was dealing drugs to Ty;</p> <p>17 correct?</p> <p>18 MR. ROSS: Objection to the</p> <p>19 form of the question. You can answer.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. NINOSKY:</p> <p>22 Q. And you said that the only drugs that</p> <p>23 you are aware of that Ty used included just</p> <p>24 marijuana; is that correct?</p>
<p style="text-align: right;">Page 111</p> <p>1 do the -- well, who would do his laundry?</p> <p>2 A. Well, we would go together.</p> <p>3 Q. Would you go to a laundromat?</p> <p>4 A. Yeah, we would go to the laundromat.</p> <p>5 Q. Okay. And he would do that, he would do</p> <p>6 his own, and then you would go with him?</p> <p>7 A. Well, when we went to the laundromat, we</p> <p>8 washed all our clothes at one time.</p> <p>9 Q. How about the cooking around the house?</p> <p>10 Who did most of the cooking?</p> <p>11 A. I did.</p> <p>12 Q. Did he ever live anywhere else, other</p> <p>13 than with you?</p> <p>14 A. Nowhere else.</p> <p>15 Q. And there was some question that I think</p> <p>16 I was getting confused in my mind. At one</p> <p>17 point, did Thomas make a phone call to Lower</p> <p>18 Paxton Township Police about a dealer, a drug</p> <p>19 dealer that was giving drugs to Ty?</p> <p>20 A. He made a call to Susquehanna Township</p> <p>21 Police.</p> <p>22 Q. Okay. Tell me about that phone call.</p> <p>23 A. I wasn't around. I mean, I wasn't</p> <p>24 around, you know, to listen to the whole call.</p>	<p style="text-align: right;">Page 113</p> <p>1 A. Correct.</p> <p>2 Q. So you are not aware of any other drugs</p> <p>3 that he may have used?</p> <p>4 A. No.</p> <p>5 Q. Did you ever see him use marijuana?</p> <p>6 A. No.</p> <p>7 Q. Do you know how often he would have used</p> <p>8 marijuana?</p> <p>9 A. No.</p> <p>10 Q. And I apologize, I don't have the police</p> <p>11 report in front of me, as to when Thomas</p> <p>12 called Susquehanna Police about the drug</p> <p>13 dealer, so can you give me a timeframe as to</p> <p>14 when that happened?</p> <p>15 A. No.</p> <p>16 Q. Are you aware of whether there was ever</p> <p>17 an arrest of Ty's drug dealer?</p> <p>18 A. No.</p> <p>19 Q. I'm just flipping through my notes. I</p> <p>20 might be about done, and then somebody else</p> <p>21 may have some questions.</p> <p>22 I want to make sure, did you</p> <p>23 ever speak with anybody at PrimeCare Medical</p> <p>24 or the folks in the medical department at</p>

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<p style="text-align: right;">Page 114</p> <p>1 Dauphin County Prison?</p> <p>2 A. I did not.</p> <p>3 Q. And that's even after Ty's death, did</p> <p>4 you speak with anybody?</p> <p>5 A. I did not.</p> <p>6 Q. Other than making his music, is there</p> <p>7 anything else that he liked to do or he was</p> <p>8 interested in that you can tell me?</p> <p>9 A. Mostly, his music. He just liked doing</p> <p>10 his music.</p> <p>11 Q. Well, ma'am, as with Mr. MacMain, I'm</p> <p>12 sorry that we had to meet this way, and I'm</p> <p>13 sorry for your loss. At this point, I don't</p> <p>14 have any more questions for you. Thank you</p> <p>15 for being here and being so patient today.</p> <p>16 A. Thank you.</p> <p>17 MR. NORFLEET: Don, I will</p> <p>18 defer to you. I will go last.</p> <p>19 ---</p> <p>20 EXAMINATION</p> <p>21 ---</p> <p>22 BY MR. CARMELITE:</p> <p>23 Q. Good afternoon, ma'am. My name is Dan</p> <p>24 Carmelite. I represent Angela Swanson. She</p>	<p style="text-align: right;">Page 116</p> <p>1 if this case goes to trial, you are going to</p> <p>2 tell us about your son, so I kind of want to</p> <p>3 hear what you have to say today, and not wait</p> <p>4 until trial, if it goes that far.</p> <p>5 As I understand it, from your</p> <p>6 testimony, since graduating high school, your</p> <p>7 son had some employment, he wasn't pursuing</p> <p>8 any other education, and from time to time, he</p> <p>9 helped out around your house?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. It is also my understanding that</p> <p>12 his employment wasn't regular, you know, 9:00</p> <p>13 to 5:00, 40 hours a week, week in and week</p> <p>14 out; is that fair?</p> <p>15 A. That's fair.</p> <p>16 Q. Just tell me, what was a typical day in</p> <p>17 the life of your son? Did he typically wake</p> <p>18 up at a certain time? Did he -- you know,</p> <p>19 those types of things. Just give me a day in</p> <p>20 the life of your son.</p> <p>21 A. He would just wake up, and then whatever</p> <p>22 we needed, you know, done around the house, we</p> <p>23 did.</p> <p>24 Q. Okay. Did that take him all day to do?</p>
<p style="text-align: right;">Page 115</p> <p>1 worked at the Dauphin County Prison.</p> <p>2 Have you ever spoken to Ms.</p> <p>3 Swanson?</p> <p>4 A. I have not.</p> <p>5 Q. Do you know if Thomas has ever spoken to</p> <p>6 Ms. Swanson?</p> <p>7 A. No.</p> <p>8 Q. Have you spoken to anybody about Ms.</p> <p>9 Swanson, other than your lawyers?</p> <p>10 A. No.</p> <p>11 Q. Do you know who Ms. Swanson is?</p> <p>12 A. No.</p> <p>13 Q. Do you know what Ms. Swanson's role is</p> <p>14 in your lawsuit on behalf of your son?</p> <p>15 A. She was an officer, a correctional</p> <p>16 officer.</p> <p>17 Q. Other than that, do you have any idea</p> <p>18 what her role is?</p> <p>19 A. I don't know her role.</p> <p>20 Q. Okay. I want to just pick up a little</p> <p>21 bit on some of the questions Mr. Ninosky was</p> <p>22 asking you. And this is basically about your</p> <p>23 son, and I kind of want to get to know him a</p> <p>24 little better, because at some point in trial,</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No, it didn't take all day to do.</p> <p>2 Q. So when he was done helping out around</p> <p>3 the house, what would he do?</p> <p>4 A. He probably be on his phone or watching</p> <p>5 TV.</p> <p>6 Q. Anything else?</p> <p>7 A. No.</p> <p>8 Q. Okay. I'm a little confused, and part</p> <p>9 of that is because, at times, my Zoom kind of</p> <p>10 zoomed in and out, so it got garbled a little</p> <p>11 bit. I have heard a bunch of addresses on</p> <p>12 Franklin Street. Can you just run through</p> <p>13 the addresses on Franklin, whether Franklin</p> <p>14 Avenue, Franklin Street for me. I have got</p> <p>15 -- 1931 is one of them. What else is there?</p> <p>16 A. There is 2003 Franklin Avenue.</p> <p>17 Q. Okay, so 1931 and 2003; correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Are there any other addresses that you</p> <p>20 have talked about today on Franklin Avenue?</p> <p>21 A. No.</p> <p>22 Q. 1931 is the house that your mom and you</p> <p>23 own?</p> <p>24 A. That's correct.</p>

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<p style="text-align: right;">Page 118</p> <p>1 Q. And then, 2003 is the house that Thomas 2 owns; correct? 3 A. He doesn't own it, no. 4 Q. He rents -- he leases it? 5 A. Somebody used to -- it was a friend of 6 his that used to live there, and then he -- 7 Q. A friend of his used to live there? 8 A. Yes. 9 Q. So, at the time, when the incident 10 happened, where you called 911, the 2003 11 address was one that Thomas rented from a 12 friend? 13 A. He didn't rent it. 14 Q. Okay, the friend let him live there? 15 A. Yes. 16 Q. What was the name of the friend? 17 A. I don't remember his name. 18 Q. Was it a man or a woman? 19 A. A man. 20 Q. And where does Thomas live now? 21 A. 2003. 22 Q. The same address, okay. 23 A. Yes. 24 Q. As I understood your testimony, you had</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. Okay. Mr. MacMain asked you some 2 questions about statements Thomas made to the 3 Susquehanna Township Police. Do you remember 4 that? 5 A. Yes. 6 Q. And I just want to make sure I 7 understand. When Thomas made those 8 statements to the police, were you present? 9 A. I was there when he first like called, 10 and he said about non-emergency, but then I 11 had got up and walked off. 12 Q. So when Thomas made the statements to 13 the Susquehanna Police, you were there for how 14 much of the conversation? 15 A. Hardly none of it. 16 Q. None of it, okay, all right. And so 17 that -- and that's the -- I guess the genesis 18 of my questions. I just want to make sure. 19 It is not like you were present and heard 20 Thomas say something different than what you 21 reported on the police report? 22 A. Right. 23 Q. You just disagree with what's on the 24 police report?</p>
<p style="text-align: right;">Page 119</p> <p>1 some question about your son's -- let me 2 withdraw it. 3 As I understand your 4 testimony, the purpose you slept at the 2003 5 address on the night of the 911 call was 6 because Ty was uncomfortable sleeping at home 7 at 1931? Yes? 8 A. Yes. 9 Q. Okay, and he was uncomfortable, because 10 he thought people were coming into the house 11 or were going to break in or something like 12 that; is that fair? 13 A. That's fair. 14 Q. And was that the first night that 15 everybody slept there for that purpose? 16 A. Well, that's the first night we slept in 17 there. 18 Q. Ma'am, you mumbled, and I couldn't -- 19 A. That was the first time we slept in 20 there. 21 Q. Okay, for that purpose of being away 22 from the 1931 house, because someone might 23 break in? 24 A. Yes.</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Correct. 2 Q. With regard to communicating with your 3 son once he was taken to the Dauphin County 4 Prison, did anybody tell you you weren't 5 allowed to communicate with him? 6 A. No. 7 Q. Did you believe you weren't allowed to 8 communicate with him? 9 A. No. 10 Q. Okay. That's all the questions I have 11 right now. Mr. Norfleet will, I think, have 12 some questions for you. Ma'am, I appreciate 13 your patience. I know this is a difficult 14 moment for you, and obviously, my condolences 15 on your son and thanks. 16 A. Thank you. 17 --- 18 EXAMINATION 19 --- 20 BY MR. NORFLEET: 21 Q. Ms. Riley, good afternoon. My name is 22 Andy Norfleet. I am an attorney, 23 representing Brian Clark, Dauphin County, and 24 the individual correctional officers named in</p>

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<p>1 this action, with the exception of Officer 2 Swanson. You heard that Mr. Carmelite is 3 representing her. 4 As everyone else has said to 5 you, I'm sorry we are meeting under these 6 circumstances. My condolences on your loss, 7 and thank you for participating and giving us 8 your time today. 9 I will try not to ask too many 10 repeat questions. It is difficult being the 11 last one to go to make sure you don't ask a 12 lot of the same questions, but I will do my 13 best. 14 Ma'am, I want to start with 15 the call that you testified to that came in on 16 June 18th, after Tyrique was taken to Dauphin 17 County Prison. You indicated that that call 18 came from an individual named Keith Biter? 19 A. Yes. 20 Q. Do you know how that name was spelled or 21 are you just -- is that your best recollection 22 of how he pronounced his name? 23 A. That's how he pronounced his name. 24 Q. Did he give you any indication that he</p>	<p>1 Q. The call that came in, did you receive 2 that call on a cellular phone or a landline? 3 A. He called on a landline. 4 Q. And what was the number that he called 5 on? 6 A. (717) 232-8135. 7 Q. And do you know the service provider for 8 that landline at the time? 9 A. Verizon. 10 Q. And would that landline have been under 11 your name or Thomas'? 12 A. It would have been under my mother's 13 name. 14 Q. And what was your -- what is your 15 mother's name, ma'am? 16 A. Doris, D-O-R-I-S; Riley, R-I-L-E-Y. 17 Q. Okay. So you were back at the 18 residence that you shared with your mother 19 when you received that call? 20 A. Yes. 21 Q. You were no longer staying at Mr. 22 Thomas' address? 23 A. No, because I thought Tyrique was going 24 to call me, you know. I thought he would be</p>
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<p>1 was calling from Dauphin County Prison? 2 A. Well, he said his title, you know. I'm 3 not sure if he said corporal or sergeant, but 4 he said -- I know he said his title before his 5 name. 6 Q. Do you recall about what time you 7 received that call? 8 A. Probably around 8:30 at night. 9 Q. 8:30 p.m., on June 18th? 10 A. Yes. 11 Q. And if you recall, about how long had 12 Tyrique been at Dauphin County Prison before 13 you received that call? 14 A. How long he had been there? 15 Q. Yes, ma'am. 16 A. That day. 17 Q. And that's what I'm trying to figure 18 out. Can you give me an idea of how long 19 that time span was from the time that the 20 Susquehanna Township Police left with Tyrique 21 until you received the call from Officer or 22 Mr. Biter? 23 A. I don't remember that. I don't 24 remember.</p>	<p>1 calling. 2 Q. And did you believe that if Tyrique was 3 going to call you, that he would call you on 4 that landline? 5 A. Yes. 6 Q. Do you know why Tyrique would call you 7 on that landline, if it wasn't safe to be at 8 the house? 9 MR. ROSS: Objection to the 10 form of the question. You can answer. 11 THE WITNESS: Repeat that 12 again. 13 BY MR. NORFLEET: 14 Q. Yes, ma'am. You had indicated earlier 15 that you were staying at Thomas' residence, 16 because Tyrique was concerned about people 17 running up on the house that you shared with 18 your mother; correct? 19 A. Yes. 20 Q. And I'm only asking you, if you know, 21 you said that you expected Tyrique to call you 22 on the landline at the house you shared with 23 your mother; correct? 24 A. That's correct.</p>

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<p style="text-align: right;">Page 126</p> <p>1 Q. So my original question to you was, do 2 you know why Tyrique would call you at that 3 residence if he thought it was not safe for 4 you to be there? 5 MR. ROSS: Objection to the 6 form of the question. You can answer. 7 THE WITNESS: Well, that was 8 our main -- you know, our main number, so 9 that's where I thought he would call, you 10 know, on that phone. 11 BY MR. NORFLEET: 12 Q. When Tyrique left with the Susquehanna 13 Township Police, the last place that he saw 14 you was at Mr. Thomas' residence; correct? 15 A. That's correct. 16 Q. Do you know about how long the call 17 lasted? 18 A. With who? 19 Q. With Mr. Biter? 20 A. Not long. 21 Q. When you say not long, can you give me 22 an idea of, was it a minute, two minutes? 23 A. I would say about two, two minutes. 24 Q. In that two minutes, did you have an</p>	<p style="text-align: right;">Page 128</p> <p>1 regarding the drug dealer? 2 A. No. 3 Q. But it is your testimony today that you 4 don't have any idea who Tyrique was concerned 5 about running up on your house? 6 A. Correct. 7 Q. Did you ask Tyrique who he thought was 8 going to run up on your house? 9 A. No, I didn't. 10 Q. And you had been at Mr. -- or at Thomas' 11 residence for a couple of days before the 12 incident happened; correct? 13 A. No, not a couple of days. 14 Q. How long were you at Mr. Thomas -- at 15 Thomas' residence before Tyrique was arrested? 16 A. About June 8th -- June 18th. 17 Q. So prior to Tyrique being arrested, can 18 you just tell me how many days you were at 19 Thomas' residence with Tyrique? 20 A. I was there one night with Tyrique. 21 Q. And during that one night, you didn't 22 ask him any -- for any further details about 23 why he was afraid that your house was going to 24 be run up on?</p>
<p style="text-align: right;">Page 127</p> <p>1 opportunity to ask Mr. Biter how Tyrique was 2 doing? 3 A. No, he hung up, he just hung up. He 4 just wanted to tell me that amount, and he 5 hung up. I couldn't even ask him, like, I 6 was getting ready to say, well, what did -- 7 and it seemed like I was going to try to ask 8 him something, and he hung up. 9 Q. He hung up after two minutes; is that 10 right? 11 A. He hung up the phone, yes. 12 Q. Did you attempt to call Dauphin County 13 Prison back after Mr. Biter hung up the phone? 14 A. I did not. 15 Q. Did you attempt to return that call to 16 Dauphin County Prison at any time while 17 Tyrique was housed at Dauphin County Prison? 18 A. I did not. 19 Q. Ma'am, you have testified that Tyrique 20 was -- had some concerns about staying at the 21 house that you shared with your mother, 22 because people were going to run up to the 23 house. Was there any concern that that was 24 related to the telephone call that Thomas made</p>	<p style="text-align: right;">Page 129</p> <p>1 A. No, I didn't. 2 Q. Had anyone ever broken into the 3 residence that you shared with your mother 4 before? 5 A. No. 6 Q. Had you ever had any concerns about 7 anyone running up on the house before Tyrique 8 shared that information with you? 9 A. No. 10 Q. Had any other homes on that block been 11 broken into, anything that gave you concern? 12 A. I don't know if other houses -- I don't 13 know of other houses. 14 Q. Ma'am, when, I believe it was Attorney 15 Ninosky who asked you what Tyrique liked to do 16 or how he spent his days, and you said he 17 spent a lot of time on his phone; is that 18 correct? 19 A. Yes. 20 Q. How did he pay for his phone, ma'am? 21 A. I would pay for it. 22 Q. Do you still have Tyrique's cellular 23 phone? 24 A. No.</p>

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<p style="text-align: right;">Page 130</p> <p>1 Q. Can you tell me what happened to the 2 phone? 3 A. It had broke. It had broke a long time 4 ago. 5 Q. Did he have that -- did his phone still 6 work on the day that he was arrested? 7 A. No. 8 Q. Did he own a phone on the day that he 9 was arrested? 10 A. No. 11 Q. About how long before he was arrested 12 did his phone break? 13 A. His phone was broke, like, probably well 14 over a year. 15 Q. A year prior to the incident? 16 A. Yeah, yes. 17 Q. So when Mr. Ninosky asked you how 18 Tyrique was spending his days, for at least a 19 year prior to this incident, he was not 20 spending time on his phone? 21 A. Not on his phone, no. 22 Q. Who provided the -- what company 23 provided the service for Tyrique's phone, 24 ma'am?</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Were you giving him money for marijuana? 2 A. I was not. 3 Q. Are you aware of anyone giving money to 4 Tyrique to buy marijuana? 5 A. I'm not aware, no. 6 Q. And were you -- you weren't aware how or 7 from whom he was obtaining it from; correct? 8 A. Correct. 9 Q. Did you ever discuss Tyrique's marijuana 10 use with him? 11 A. Yes. 12 Q. What type of discussions did you have 13 with Tyrique about his marijuana use? 14 A. I basically was telling him that, you 15 know, that, nowadays, these jobs now require 16 drug tests, so, you know, how do you expect to 17 pass, pass a drug test, if you are out here 18 smoking marijuana? 19 Q. Other than the concerns that you had for 20 Tyrique not being able to pass a drug test, 21 did you express any other concerns to Tyrique 22 about his marijuana use? 23 A. No, I just was -- just talking about him 24 not being able to pass any of the tests,</p>
<p style="text-align: right;">Page 131</p> <p>1 A. Team Mobil. 2 Q. Do you remember the number associated 3 with his phone? 4 A. No, I do not. 5 Q. Do you know when you stopped paying the 6 bill for that telephone? 7 A. I do not. 8 Q. Do you have any idea if you stopped 9 paying for the bill before or after Tyrique 10 was arrested? 11 A. I don't remember. 12 Q. Was the account in your name, ma'am? 13 A. Yes. 14 Q. Was there any discussion about you 15 replacing Tyrique's telephone during that 16 year's time after it broke? 17 A. No. 18 Q. Ma'am, you testified that you were aware 19 that Tyrique was using marijuana; is that 20 correct? 21 A. Correct. 22 Q. Do you know how he was obtaining 23 marijuana? 24 A. I do not.</p>	<p style="text-align: right;">Page 133</p> <p>1 because most jobs require it now. 2 Q. When you had that conversation with 3 Tyrique, did you ask him to stop using 4 marijuana? 5 A. I didn't tell him to stop. I just told 6 him how I felt. 7 Q. Did he give you any indication that he 8 would stop using marijuana, so that he could 9 pass a drug test? 10 A. I don't remember. 11 Q. Did you have any concerns that Tyrique 12 was using an illegal drug? 13 A. No. 14 Q. Did Tyrique have any close friends in 15 the area, ma'am? 16 A. He had a lot of friends. 17 Q. At the time of his arrest, can you tell 18 me maybe two or three of his closest friends? 19 A. No. 20 Q. Can you give me the name of one of his 21 closest friends? 22 A. No. 23 Q. Did you ever meet his friends? 24 A. I have met, you know, quite a few of</p>

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<p style="text-align: right;">Page 134</p> <p>1 them.</p> <p>2 Q. Did you ever ask who they were?</p> <p>3 A. Well, I knew them from school, you know,</p> <p>4 like, a lot of kids would come over, you know,</p> <p>5 so I knew a lot of them, you know, from</p> <p>6 school, when he went to school.</p> <p>7 Q. At the time that Tyrique was arrested,</p> <p>8 that was approximately three years after he</p> <p>9 graduated; correct?</p> <p>10 A. Correct.</p> <p>11 Q. So during that three-year time, did he</p> <p>12 make any new friends?</p> <p>13 A. No.</p> <p>14 Q. Would his friends come to your house?</p> <p>15 A. Sometimes -- well, sometimes, they would</p> <p>16 walk over, and then they will walk off, you</p> <p>17 know, walk somewhere.</p> <p>18 Q. Did he have one or two friends that he</p> <p>19 hung out with more than others?</p> <p>20 A. No, no.</p> <p>21 Q. Did Tyrique have a driver's license,</p> <p>22 ma'am?</p> <p>23 A. No driver's license.</p> <p>24 Q. And so he didn't have a vehicle; is that</p>	<p style="text-align: right;">Page 136</p> <p>1 form of the question. You can answer.</p> <p>2 MR. NORFLEET: I will rephrase</p> <p>3 it.</p> <p>4 THE WITNESS: I mean, he</p> <p>5 probably had detention.</p> <p>6 BY MR. NORFLEET:</p> <p>7 Q. So, ma'am, your attorney objected to</p> <p>8 that question. I will try to rephrase it to</p> <p>9 satisfy the objection.</p> <p>10 You testified that you</p> <p>11 couldn't remember if he was suspended, you</p> <p>12 initially said that you couldn't recall if he</p> <p>13 had any detentions, and I now believe you may</p> <p>14 recall something about a detention; is that</p> <p>15 fair?</p> <p>16 A. That's fair.</p> <p>17 Q. Were you ever called to go to the school</p> <p>18 and meet with a teacher or a principal about</p> <p>19 his behavior?</p> <p>20 A. I don't remember.</p> <p>21 Q. Did Tyrique have what we call an IEP?</p> <p>22 Do you know what an IEP is?</p> <p>23 A. Yes, he had an IEP.</p> <p>24 Q. How long was that IEP in place?</p>
<p style="text-align: right;">Page 135</p> <p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Was there a reason why he never obtained</p> <p>4 a driver's license, that you are aware of?</p> <p>5 A. Well, he got his permit, and the reason</p> <p>6 why he never got his driver's license was due</p> <p>7 to the fact that my car was broke, so we</p> <p>8 didn't get a chance to take him.</p> <p>9 Q. About how long did he have his permit,</p> <p>10 ma'am?</p> <p>11 A. I don't remember.</p> <p>12 Q. When Mr. Ninosky was asking you about</p> <p>13 his education at Susquehanna Township, I just</p> <p>14 wanted to follow up on his disciplinary</p> <p>15 record. Was he ever suspended from school at</p> <p>16 Susquehanna Township?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you know if he ever had any</p> <p>19 detentions?</p> <p>20 A. I don't remember.</p> <p>21 Q. Sitting here today, do you recall</p> <p>22 anything about his disciplinary record at</p> <p>23 Susquehanna Township High School?</p> <p>24 MR. ROSS: Objection to the</p>	<p style="text-align: right;">Page 137</p> <p>1 A. I would say since first grade.</p> <p>2 Q. Was that IEP something that had to be</p> <p>3 updated yearly?</p> <p>4 A. Yes.</p> <p>5 Q. So he had an IEP from first grade until</p> <p>6 the time he graduated from high school?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall anything specific about</p> <p>9 the IEP?</p> <p>10 A. Well, he had a learning disability, and</p> <p>11 he had trouble with math.</p> <p>12 Q. Did he carry any type of diagnosis,</p> <p>13 ma'am, related to his learning disability,</p> <p>14 like dyslexia, ADHD, anything that you can</p> <p>15 recall?</p> <p>16 A. No.</p> <p>17 Q. No, you can't recall, or no, he didn't</p> <p>18 have any of those things?</p> <p>19 A. He didn't have none of those things.</p> <p>20 Q. Other than having difficulty with math,</p> <p>21 do you recall any other reasons why Tyrique</p> <p>22 had an IEP?</p> <p>23 A. Some reading and -- reading and writing.</p> <p>24 MR. ROSS: Andy, can I ask</p>

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<p style="text-align: right;">Page 138</p> <p>1 that we just get a definition of IEP, just to</p> <p>2 make sure we are all talking about and</p> <p>3 understanding the same thing?</p> <p>4 MR. NORFLEET: Sure. My</p> <p>5 understanding of an IEP, and I can look up the</p> <p>6 specific definition for you, but I believe it</p> <p>7 is an Independent Education Plan.</p> <p>8 MR. ROSS: Is that your</p> <p>9 understanding, Carmen?</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. ROSS: Thank you.</p> <p>12 MR. NORFLEET: Yes, sir.</p> <p>13 BY MR. NORFLEET:</p> <p>14 Q. Ma'am, did he have any -- did Tyrique</p> <p>15 have any accommodations at school related to</p> <p>16 his IEP?</p> <p>17 A. No, he didn't have any accommodations,</p> <p>18 because he was in a regular class, he was in</p> <p>19 with a regular class, but some of the teachers</p> <p>20 did have assistance in the classroom, so I</p> <p>21 guess some of the kids needed some one-on-one,</p> <p>22 and she would assist.</p> <p>23 Q. Do you know if Tyrique had a teacher's</p> <p>24 assistant assigned to him?</p>	<p style="text-align: right;">Page 140</p> <p>1 A. I have not.</p> <p>2 Q. Do you know who Brian Clark is?</p> <p>3 A. Yes.</p> <p>4 Q. Who is Brian Clark, ma'am?</p> <p>5 A. He was the warden at Dauphin County</p> <p>6 Prison.</p> <p>7 Q. So, prior to your son's passing, or</p> <p>8 after your son's passing, you had never talked</p> <p>9 with Brian Clark?</p> <p>10 A. I have not.</p> <p>11 Q. Other than your attorneys, do you know</p> <p>12 anyone in your family or any of your friends</p> <p>13 or anyone who talked with Brian Clark about</p> <p>14 Tyrique?</p> <p>15 A. I don't remember.</p> <p>16 Q. Do you know what role Brian Clark plays</p> <p>17 in this Complaint, ma'am?</p> <p>18 A. No.</p> <p>19 Q. Ma'am, you have named 24 individual</p> <p>20 Dauphin County correctional officers. Can we</p> <p>21 agree to that?</p> <p>22 MR. ROSS: Objection to the</p> <p>23 form of the question. You can answer.</p> <p>24 BY MR. NORFLEET:</p>
<p style="text-align: right;">Page 139</p> <p>1 A. No.</p> <p>2 Q. Do you know if he ever received any</p> <p>3 assistance in the classroom from one of those</p> <p>4 teacher's helpers or teacher's assistants?</p> <p>5 A. I wouldn't know that.</p> <p>6 Q. Were you -- as his parent, did you</p> <p>7 attend the annual IEP reviews?</p> <p>8 A. I did.</p> <p>9 Q. Did you ever miss any of those?</p> <p>10 A. No.</p> <p>11 Q. Did anyone attend the IEP meetings with</p> <p>12 you?</p> <p>13 A. Thomas might have, you know, came with</p> <p>14 me, you know, to one of them.</p> <p>15 Q. Do you recall if Tyrique had any type of</p> <p>16 vocational training while he was in high</p> <p>17 school?</p> <p>18 A. No.</p> <p>19 Q. Ma'am, Attorney -- I'm going to try not,</p> <p>20 again, to duplicate questions, but I'm going</p> <p>21 to ask you some questions similar to what</p> <p>22 Attorney Carmelite asked you.</p> <p>23 Have you ever had any</p> <p>24 conversations with Brian Clark?</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. I will rephrase.</p> <p>2 Ma'am, do you know how many</p> <p>3 Dauphin County correctional officers have been</p> <p>4 named in your Complaint?</p> <p>5 A. No, I don't know.</p> <p>6 Q. If I represented to you, ma'am, that 24</p> <p>7 -- well, 25, total, understanding I don't</p> <p>8 represent Officer Swanson -- if I represented</p> <p>9 to you that there were 24 additional</p> <p>10 individual Dauphin County correctional</p> <p>11 officers named, does that sound accurate?</p> <p>12 A. That sounds accurate.</p> <p>13 Q. And I'm only going to do this one time,</p> <p>14 all right? I promise you. I'm just going to</p> <p>15 read their names:</p> <p>16 Captain Andrew Clark, Captain</p> <p>17 Steve Smith, Captain Mark Neidigh, Lieutenant</p> <p>18 Richard Armermann, Lieutenant Greg Mendenhall,</p> <p>19 Sergeant Scott Rowe, Sergeant Scott Grieb,</p> <p>20 Sergeant Jason Adams, Sergeant Michael Blouch,</p> <p>21 Sergeant Scott Lewis, Sergeant Keith Biter,</p> <p>22 and then we have Officer Robert Ingersoll,</p> <p>23 Cameron Weaver, Taylor Glenn, Martin Myers,</p> <p>24 Delta Bauer, Matthew Danner, Steve Singleton,</p>

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<p style="text-align: right;">Page 142</p> <p>1 Derek Umberger, Joseph Doyle, Richard Otten -- 2 that's O-T-T-E-N -- Keith Hoffman, Michael 3 Shaeffer, S-H-A-E-F-F-E-R, and Tami, 4 T-A-M-I, Donovan. 5 A. Yes. 6 Q. Does that sound accurate, ma'am, that 7 those individuals have been named as the 8 individual Dauphin County officers in your 9 Complaint? 10 A. Yes. 11 Q. Have you talked -- prior to your son's 12 passing or after your son's passing, have you 13 ever spoke with any of those individual 14 officers? 15 A. I have not. 16 Q. Have you had any communication with 17 those officers at all through any type of 18 writing, electronic correspondence, any type 19 of communication at all? 20 A. I have not. 21 Q. Other than any investigation that your 22 attorneys have done, because I don't want to 23 know about that, are you aware of any family 24 members, friends or anyone else you know who</p>	<p style="text-align: right;">Page 144</p> <p>1 that's the same officer that you believe that 2 you spoke with? Can you tell me if that -- if 3 the officer named in the Complaint is the same 4 officer you talked with on June 18th? 5 A. Yes. 6 Q. That is the same officer? 7 A. Yes. 8 Q. And that's why I wanted to clear that 9 up, ma'am, because I kind of read all those 10 names to you, and you had already told me 11 about Keith Biter, so I wanted to keep our 12 promise that we are not trying to trick you. 13 A. Okay. 14 Q. So we will just agree that you told us 15 about your conversation with Keith Biter; is 16 that fair? 17 A. That's fair. 18 Q. Okay, but none of the other 23 officers; 19 is that fair? 20 A. That's fair. 21 Q. Ma'am, did you or any other family 22 member contact Dauphin County Prison regarding 23 your concerns about Tyrique's mental health? 24 A. No.</p>
<p style="text-align: right;">Page 143</p> <p>1 may have contacted any of those 24 individuals 2 regarding Tyrique? 3 A. I do not. 4 Q. And as I asked, ma'am, with Brian Clark, 5 do you know the role that any of those 24 6 individual correctional officers play in this 7 complaint? 8 A. Rephrase that again. 9 Q. Yes, ma'am. The 24 officers that I 10 asked you about, that you said those were the 11 officers named in the Complaint, do you 12 understand what their role is in the 13 Complaint? 14 A. No, not -- no. 15 Q. And ma'am, I know that Attorney MacMain 16 told you at the beginning of the deposition 17 that we are not here to try to trick you, and 18 I kind of feel like I want to go back to keep 19 that promise. 20 I asked you about the 24 21 individual officers, and I included Sergeant 22 Keith Biter, B-I-T-E-R. 23 A. Okay. 24 Q. And I am not sure if you can tell me if</p>	<p style="text-align: right;">Page 145</p> <p>1 MR. NORFLEET: That's all I 2 have. Thank you, ma'am. 3 --- 4 EXAMINATION 5 --- 6 BY MR. ROSS: 7 Q. I have some questions for Ms. Riley. 8 Carmen, we will start with the 9 -- we will talk about the properties, 1931 and 10 2003. How far -- how long would it take to 11 walk from 1931 to 2003? 12 A. I'm not sure. I'm not sure. 13 Q. Would it take you -- go ahead. 14 A. I'm not sure. 15 Q. Would it take you more than a minute to 16 walk? 17 A. Oh, yeah, a minute. 18 Q. Are the properties next to each other? 19 A. Yes. 20 Q. And then someone had asked you, I 21 believe, about there being maybe some grass 22 between them. Do they share a yard? 23 A. Yeah, yeah, it shares a yard. 24 Q. And is it a large yard, a small yard,</p>

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<p style="text-align: right;">Page 146</p> <p>1 medium-sized?</p> <p>2 A. Large.</p> <p>3 Q. And you talked about a residence</p> <p>4 belonging to Thomas and a residence where you</p> <p>5 stay. Do you consider these to be separate</p> <p>6 places or do you come and go as you please</p> <p>7 between the two?</p> <p>8 A. Come and go as we please.</p> <p>9 Q. Do you treat it like it is both yours</p> <p>10 and Thomas' property?</p> <p>11 A. Yeah.</p> <p>12 Q. You were asked at the beginning, I want</p> <p>13 to talk about, there was a conversation about</p> <p>14 Tyrique mentioning that or stating that people</p> <p>15 were coming up on the property.</p> <p>16 Do you remember that</p> <p>17 discussion?</p> <p>18 A. Yes.</p> <p>19 Q. And you stated, I believe, earlier, that</p> <p>20 Tyrique had mentioned this a few days before</p> <p>21 the date he was arrested; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Did he also mention that the day that he</p> <p>24 was arrested? I'm sorry, let me strike that.</p>	<p style="text-align: right;">Page 148</p> <p>1 to -- I want to know, why did you decide to</p> <p>2 sleep at 2003? What about sleeping at 2003</p> <p>3 would have anything to do with what Tyrique</p> <p>4 was saying about people coming on the</p> <p>5 property?</p> <p>6 Let me ask you this. I'm</p> <p>7 sorry. They are bad questions. Were you</p> <p>8 concerned about Tyrique and him saying that</p> <p>9 people were coming up on the property?</p> <p>10 A. I was concerned, yeah.</p> <p>11 Q. Did that concern have anything to do</p> <p>12 with your decision to sleep at 2003 that</p> <p>13 night?</p> <p>14 A. Yes, because that's what -- yes, because</p> <p>15 he was saying about -- yes, because he said</p> <p>16 about somebody coming there, coming up on the</p> <p>17 property, so --</p> <p>18 Q. And your mother stayed that night at</p> <p>19 1931, right?</p> <p>20 A. Yes.</p> <p>21 Q. And you weren't concerned that your</p> <p>22 mother was in danger at 1931; correct?</p> <p>23 A. That's correct.</p> <p>24 Q. Did you believe that someone was going</p>
<p style="text-align: right;">Page 147</p> <p>1 You all went to bed in the</p> <p>2 residence at 2003 the night before he was</p> <p>3 arrested; correct?</p> <p>4 A. Correct.</p> <p>5 Q. That day before you went to bed at 2003,</p> <p>6 had he mentioned concerns about someone coming</p> <p>7 on the property?</p> <p>8 A. Yes.</p> <p>9 Q. And I believe that there was questions</p> <p>10 about why you decided to sleep at 2003. Do</p> <p>11 you recall being asked about that?</p> <p>12 A. Yes.</p> <p>13 Q. Did you decide to sleep at 2003 because</p> <p>14 you, yourself, were concerned that people were</p> <p>15 going to be coming onto the property at 1931?</p> <p>16 A. No.</p> <p>17 Q. Okay. Why did you decide to sleep at</p> <p>18 2003 that night?</p> <p>19 A. Because Tyrique was saying, talking</p> <p>20 about someone coming up on the property.</p> <p>21 Q. And how would sleeping at the 2003</p> <p>22 address what Tyrique was talking about?</p> <p>23 A. Phrase it another way.</p> <p>24 Q. Okay, that's fair. I guess I am trying</p>	<p style="text-align: right;">Page 149</p> <p>1 to be coming up on the property in 1931?</p> <p>2 A. No.</p> <p>3 Q. But you believed that Tyrique believed</p> <p>4 that; is that right?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Was that something out of the ordinary</p> <p>7 for Tyrique to be -- to believe?</p> <p>8 MR. NORFLEET: Objection to</p> <p>9 form.</p> <p>10 BY MR. ROSS:</p> <p>11 Q. Tyrique believing that someone was</p> <p>12 coming up on the property, was that something</p> <p>13 he frequently said before -- okay, let me</p> <p>14 start over.</p> <p>15 The first time that you heard</p> <p>16 Tyrique explain or state that someone was</p> <p>17 coming up on the property was approximately</p> <p>18 three days before he was arrested; is that</p> <p>19 right?</p> <p>20 A. Correct.</p> <p>21 Q. Before those three days, had he ever</p> <p>22 expressed anything like that, about being</p> <p>23 concerned about someone putting either him or</p> <p>24 you in harm's way?</p>

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<p style="text-align: right;">Page 150</p> <p>1 A. Can you -- no, he was only saying 2 hisself, he was talking about hisself, as far 3 as someone coming up on our property, but I 4 don't know if he was -- 5 Q. Was that something that was unusual for 6 him? 7 MR. NORFLEET: Objection to 8 form. 9 THE WITNESS: Yeah, yeah, it 10 was little usual for him to say that. 11 BY MR. ROSS: 12 Q. Had you ever heard him -- had you ever 13 seen him behave that way before? 14 A. No. 15 Q. You were asked before whether or not you 16 had called or tried to take him to a mental 17 health hospital based on him saying that. Do 18 you remember being asked about that? I'm 19 asking you, do you remember being asked about 20 that today? 21 A. Yes. 22 Q. Okay. When he said that, and I want to 23 focus on the night that you decided to sleep 24 at 2003, when you went to bed that night, did</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Okay, can you explain to me how -- why 2 they are not different, any different? 3 MR. CARMELITE: I will object 4 to that one. 5 MR. NINOSKY: Me as well. 6 BY MR. ROSS: 7 Q. Can you explain to me what happened with 8 how Thomas came to fall down? 9 A. Okay, his pants had fell down to his 10 ankles, down to his feet. So that's how they 11 got, you know -- that's how he fell, from his 12 pants falling down from his feet. 13 Q. Was he still -- I think the word that 14 was used earlier by Mr. MacMain was there was 15 a tussle between Tyrique and Tom over the 16 sledgehammer. Was Thomas still engaged in 17 that tussle for the sledgehammer when he fell 18 down? 19 A. Yes. 20 Q. Do you think that his pants falling down 21 to his ankles caused him to fall over during 22 that time? 23 MR. NORFLEET: Objection to 24 form.</p>
<p style="text-align: right;">Page 151</p> <p>1 you believe that Tyrique needed to go to a 2 mental health hospital? 3 A. No. 4 Q. We played the 911 tape, and you were 5 asked some questions about the part of the 6 tape where you told the dispatcher that he -- 7 that Thomas was pushed over. Do you remember 8 that? 9 A. Yes. 10 Q. You had previously testified, in 11 response to Mr. MacMain's question, that 12 Thomas had fallen down when his pants had 13 fallen down; is that right? 14 A. Yes. 15 Q. Do you feel that what you told MacMain 16 about Thomas falling down was different in any 17 way from what you told the dispatcher about 18 Thomas being pushed over? 19 MR. NORFLEET: Objection to 20 form. 21 MR. MacMAIN: Same objection. 22 MR. NINOSKY: Join. 23 THE WITNESS: No, I don't. 24 BY MR. ROSS:</p>	<p style="text-align: right;">Page 153</p> <p>1 MR. NINOSKY: Objection to 2 form. 3 MR. CARMELITE: Objection to 4 form. 5 MR. MacMAIN: Join. 6 THE WITNESS: Yes. 7 BY MR. ROSS: 8 Q. There was a point in the tape, and I 9 don't think you were asked about this, do you 10 recall, from the 911 tape, when you told the 11 dispatcher that Tyrique did not hit Thomas 12 with the hammer, the sledgehammer? 13 A. Yes. 14 Q. Did you ever see Tyrique hit Tom with 15 the sledgehammer? 16 A. No. 17 Q. You mentioned about a call that you 18 received after Tyrique was arrested from 19 Officer Wilson. 20 Is there anything else about 21 that call that you hadn't told us about that 22 you remember? 23 A. No, that was it, what I said was it. 24 Q. And after Tyrique was taken away, were</p>

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<p style="text-align: right;">Page 154</p> <p>1 you concerned about him?</p> <p>2 A. Yes.</p> <p>3 Q. And you were asked some questions about</p> <p>4 whether or not you had called the prison.</p> <p>5 Why didn't you call the prison?</p> <p>6 A. Because I was under the understanding</p> <p>7 that, you know, he would be calling us. He</p> <p>8 should have been calling us first. I thought</p> <p>9 he would be calling us.</p> <p>10 Q. Had you ever had a situation with</p> <p>11 Tyrique where you -- where he went to jail</p> <p>12 before this happened, and you knew to call the</p> <p>13 prison?</p> <p>14 A. No, he never been -- no.</p> <p>15 Q. And why did you think that Tyrique would</p> <p>16 be calling you?</p> <p>17 A. Because Officer Wilson had said his bail</p> <p>18 was set at \$20,000, so I figured he probably</p> <p>19 would be calling. Mr. Wilson said his bail</p> <p>20 was set for \$20,000.</p> <p>21 Q. Did you know that you could -- if you</p> <p>22 called -- did you know that if you called the</p> <p>23 prison, that you would be able to speak to</p> <p>24 Tyrique?</p>	<p style="text-align: right;">Page 156</p> <p>1 A. Well, I got a phone call from Keith</p> <p>2 Biter.</p> <p>3 Q. Is this the same phone call you were</p> <p>4 speaking about before?</p> <p>5 A. No, Keith Biter called another day.</p> <p>6 Q. You told us about Keith Biter calling</p> <p>7 and telling you about Tyrique's bail; correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Is this the same phone call you are</p> <p>10 talking about or did he call you more than</p> <p>11 once?</p> <p>12 A. He called me more than once.</p> <p>13 Q. Okay, so let's -- what happened? What</p> <p>14 was said the first time he called?</p> <p>15 A. The first time, he said, is this Carmen?</p> <p>16 And I said yes. And he said, Tyrique's bail</p> <p>17 is 20,000 straight. And he hung up.</p> <p>18 Q. And when was that?</p> <p>19 A. June 18th.</p> <p>20 Q. That was the same day that Tyrique was</p> <p>21 taken, was arrested?</p> <p>22 A. Correct.</p> <p>23 Q. I think, before, you said that that call</p> <p>24 lasted about two minutes. So was more said</p>
<p style="text-align: right;">Page 155</p> <p>1 A. I didn't know.</p> <p>2 Q. Did anyone ever tell you that -- did the</p> <p>3 officers, when they arrested Tyrique, did they</p> <p>4 tell you, we are taking him to the prison, and</p> <p>5 if you ever want to talk to him, you can call</p> <p>6 the prison?</p> <p>7 MR. NORFLEET: Objection to</p> <p>8 form.</p> <p>9 MR. CARMELITE: Join.</p> <p>10 BY MR. ROSS:</p> <p>11 Q. Let me finish the question before you</p> <p>12 answer, Carmen. And I will restate the</p> <p>13 question.</p> <p>14 When the officers arrested</p> <p>15 Tyrique, did they tell you -- did any of the</p> <p>16 officers tell you that you could call the</p> <p>17 prison and you could speak with Tyrique?</p> <p>18 A. They did not.</p> <p>19 MR. NORFLEET: Same objection.</p> <p>20 BY MR. ROSS:</p> <p>21 Q. Were you told anything about Tyrique</p> <p>22 having a court case?</p> <p>23 A. Yes.</p> <p>24 Q. Okay, what were you told?</p>	<p style="text-align: right;">Page 157</p> <p>1 during that call?</p> <p>2 A. No, it seemed like he was about to like</p> <p>3 ask me something, but then he hung up. He</p> <p>4 hung up on me. It seemed like he wanted -- he</p> <p>5 was about to say what -- like, he hung up.</p> <p>6 Q. So, him saying, is this Carmen, and then</p> <p>7 saying that bail is 20,000 and hanging up,</p> <p>8 that doesn't take two minutes. So do you</p> <p>9 think that you were incorrect about how long</p> <p>10 the call took?</p> <p>11 MR. NORFLEET: Objection to</p> <p>12 form.</p> <p>13 MR. CARMELITE: Join.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. ROSS:</p> <p>16 Q. Was anything else said during that call,</p> <p>17 other than what you just told me?</p> <p>18 A. Nothing else.</p> <p>19 Q. Now, you said that you spoke to Keith</p> <p>20 Biter an additional time; is that right?</p> <p>21 A. That's correct.</p> <p>22 Q. When is the next time you spoke?</p> <p>23 A. I don't remember the exact date, but he</p> <p>24 called and gave me the name, the date, the</p>

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<p style="text-align: right;">Page 158</p> <p>1 time of the preliminary hearing and where to 2 be. 3 Q. Was that the same day that Tyrique was 4 arrested or later? 5 A. That was later. 6 Q. Do you know how many days later that 7 was? 8 A. I think the 22nd. 9 Q. June 22nd? 10 A. June 22nd. 11 Q. Do you remember the date that you were 12 given for Tyrique's preliminary hearing? 13 A. June 27th. 14 Q. June 27th? 15 A. Yes. 16 Q. And did you attend Tyrique's preliminary 17 hearing? 18 A. I did. 19 Q. And did you see Tyrique that day? 20 A. I did not. 21 Q. And what, if anything, happened at 22 Tyrique's preliminary hearing? Let me strike 23 that. 24 Did his preliminary hearing</p>	<p style="text-align: right;">Page 160</p> <p>1 mother. And she went -- she gave me this 2 puzzled look like -- and she goes -- she just 3 put her hand up. Then she goes into the 4 courtroom, and she started whispering, like 5 she was whispering to this other lady, you 6 know. And then it seems like she leaves the 7 courtroom, and she goes out front of the 8 District Justice Office. And then, next thing 9 you know, the front door of the District 10 Justice Office opens up, and Aaron Osman, 11 Officer Aaron Osman, opens the door and says, 12 Mr. Matthews, could you step out here, please? 13 So he gets up, and he asked, was it okay for 14 me to come. And he shook his head like 15 (indicating). And then we go out, we go out 16 in front of the -- outside the door and 17 talked. 18 Q. Okay, you said a lot there. When this 19 happened, when you were having the 20 conversation with the woman who you said may 21 be from victim services, was that inside the 22 courtroom or outside the courtroom? 23 A. That was outside. 24 Q. So you were in the hallway?</p>
<p style="text-align: right;">Page 159</p> <p>1 occur? 2 A. It did not. 3 Q. Do you know why? 4 A. Well, because we had got a -- once we 5 got there, to the preliminary hearing, and it 6 seems like they were starting to get started 7 and everything, and there was a woman there, 8 who acted like she was going to go to someone 9 else, and Mr. Matthews, Thomas Matthews, said, 10 wait, wait, I was here first, I was here 11 first. And then she goes, what's your name? 12 She said, what is your name? And he said, I'm 13 Thomas Matthews, I'm Tyrique Riley's father. 14 And she said, oh, that's been continued. And 15 we were like -- we didn't even know what -- 16 you know. And so she goes like this, then she 17 says about -- something like victim activist, 18 that she sent him some papers, and she said, 19 you are going to fill them papers out, if I 20 got to come to your house. And Mr. Matthews 21 is like, I'm not filling them papers out. 22 And then, by me sitting next 23 to him, she go, who are you? Pointing at me. 24 And I said, I'm Carmen Riley, I'm Tyrique's</p>	<p style="text-align: right;">Page 161</p> <p>1 A. We were just sitting there. 2 Q. You said that she went into the 3 courtroom and began talking to someone. How 4 do you know that? 5 A. Because the door was open, and she was 6 standing like right there, and you could see 7 her like talking to this other woman. 8 Q. And when the gentleman came out and 9 asked Mr. Matthews to step into somewhere, 10 where was he asking him to step into? 11 A. Out front of the District Justice 12 Office. 13 Q. And you then went with Tom and spoke 14 with this gentleman? 15 A. I just listened, you know, I didn't talk 16 to him. 17 Q. And what was said? 18 A. He said, your son is in ICU. And he 19 said he was at the Harrisburg Hospital, and we 20 should get down there. And he -- so Mr. 21 Matthews was like, what about me? Because I 22 was supposed to be here. What about -- they 23 was like, he said, it is over, it is done, 24 there is not going to be nothing.</p>

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<p style="text-align: right;">Page 162</p> <p>1 Q. Who was the person that told you this 2 information? 3 A. Aaron Osman. 4 Q. How do you know that that's his name? 5 A. Because when he opened the door, he had 6 it on -- a little name. 7 Q. Do you know his title? 8 A. Susquehanna Township Police Officer. He 9 was an officer. 10 Q. Did he say anything about how Tyrique 11 came to be in the hospital? 12 A. No, he didn't say that. 13 Q. Had you been told anything about Tyrique 14 going to the hospital before Officer Osman 15 said this to you? 16 A. No. 17 Q. Had you heard anything about Tyrique's 18 condition before Mr. Osman said this to you? 19 A. No. 20 Q. How long were you at the courthouse for 21 the preliminary hearing before you had this 22 conversation with the officer? 23 A. I got there early, so we had to wait. 24 I'm not sure.</p>	<p style="text-align: right;">Page 164</p> <p>1 go upstairs to ICU. 2 Q. Were you given permission to go 3 upstairs? 4 A. Not at first, no, they said only Dad can 5 go, and so, then, eventually, we -- once Mr. 6 Matthews got up there, and he was up there a 7 while, and then they -- one of their hospital 8 securities came and went like this 9 (indicating), go on, you know, said it was 10 okay for me to come. 11 Q. And then what happened? 12 A. We go up, and I go up, and Mr. Matthews, 13 he still was standing there, you know, he was 14 like talking to one of the doctors. And then 15 I had to put on a smock. I remember I had to 16 put on a smock. And then I was -- went in 17 there in Tyrique's room. 18 Q. And what happened when you went in the 19 room? Did you see Tyrique? 20 A. Yes. 21 Q. How did he look? 22 A. When I seen him, his right lip, he had a 23 -- it was busted. I could see his lip was -- 24 on the right, it looked like somebody had hit</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. More than an hour? 2 A. I don't think it was more than an hour. 3 Q. What did you do -- what, if anything, 4 did you do next? 5 A. What did we do? 6 Q. Yes. 7 A. We left and went to the hospital, went 8 down to Harrisburg Hospital. 9 Q. And what happened when you got to the 10 hospital? Did you see your son at the 11 hospital? 12 A. When we first got there, we couldn't go 13 up. We couldn't go upstairs, you know, like, 14 we went to the front desk, and then we 15 couldn't go up. They said we had to get some 16 kind of clearance. And Mr. Matthews had to 17 call -- I think he had to call -- I think they 18 told him he has to just get permission to go 19 see Tyrique. 20 Q. Okay. 21 A. And then it like took a while for him to 22 get this clearance, so he ended up getting 23 clearance that he can go, but they said only 24 15 minutes. He was only given 15 minutes to</p>	<p style="text-align: right;">Page 165</p> <p>1 him. And then, on both wrists, both of his 2 wrists, there was white tape on both wrists. 3 And then they had like a ventilator that went 4 down and -- 5 Q. Do you know if he was alive at that 6 point when you saw him? 7 A. I felt like he wasn't. 8 Q. Did anyone tell you how he came to be in 9 that condition? 10 A. No, they didn't tell me. 11 Q. Can you tell me what -- I'm sorry. 12 A. Because Mr. Matthews -- no, they didn't 13 tell -- they didn't talk to me. 14 Q. Can you tell me, if you can, what you 15 were thinking and feeling when you saw him? 16 A. I just feel like he was gone, because he 17 wasn't -- he couldn't raise his hand. 18 Q. I'm sorry, Carmen. I know this is not 19 easy to talk about. 20 A. He just was laying there. He just 21 wasn't moving, just was still. Every day we 22 went down there, he just -- he was just still. 23 Q. How many days did you go down to see 24 him?</p>

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<p style="text-align: right;">Page 166</p> <p>1 A. From the 27th until July 1st. 2 Q. Were you ever able to talk to him again? 3 A. No. 4 Q. Was he able to talk to you? 5 A. No. 6 Q. At any point when you went there, from 7 June 27th to July 1st, did anyone tell you 8 what had happened to Tyrique? 9 A. I remember one of the doctors said on 10 July 1st, these two doctors came in, and they 11 was talking about oxygen. And one doctor said 12 that -- about not restarting his -- he said, 13 if his heart stop, just let him go peacefully, 14 don't try to restart it, just let him go 15 peacefully. And the other doctor talked 16 about him being -- not getting -- he said, 17 after so many minutes of you not getting no 18 oxygen, he said it could start brain damage, 19 and he said about -- he didn't -- like, he 20 said 30 something minutes or 40 something 21 minutes with no oxygen, he said, and he just, 22 you know -- 23 Q. Carmen, would you like to take a break? 24 I'm going to ask you some questions about</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Yes. 2 Q. And you mentioned that he had a lot of 3 friends? 4 A. Yes. 5 Q. Would you describe him as a social 6 person or a loner? 7 A. I would say, after school, I mean, after 8 they graduated, you know, everybody started 9 going their own ways, but I wouldn't say he 10 was a loner. 11 Q. Was he active while he was in school? 12 A. Yes. 13 Q. And did he hang out with his friends 14 after school? 15 A. Yes. 16 Q. And you said people went their own ways 17 after school or after they graduated, but did 18 he still hang with friends after he graduated? 19 A. A few, yeah, a few. 20 Q. Did he date? 21 A. He only had one girlfriend. 22 Q. And was that while he was in school or 23 after he graduated or both? 24 A. That would have been in school.</p>
<p style="text-align: right;">Page 167</p> <p>1 Tyrique and his life and some of the things 2 that you talked about, so would you like to 3 take a break before I start that? 4 A. Yes. 5 MR. ROSS: Why don't we take a 6 break, and I will come back and finish up my 7 questions, and we can come back around 5:35? 8 --- 9 (Whereupon a short break was 10 taken at this time.) 11 --- 12 BY MR. ROSS: 13 Q. Okay, Carmen, I just wanted to go back, 14 and you were asked some questions about what 15 Tyrique was like. Is there -- what can you 16 tell me about who Tyrique was? First of all, 17 how old was he on the date that he was 18 arrested? 19 A. He was 21. 20 Q. 21? 21 A. Yes. 22 Q. When did he turn 21? 23 A. June 14th. 24 Q. Just a few days before?</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Okay, what was this girlfriend's name? 2 A. Nicole. 3 Q. Do you recall actually meeting -- or not 4 meeting, but seeing the mother of the girl 5 that he dated while we were meeting with the 6 District Attorney in connection with this 7 case? 8 A. I did. 9 Q. Tell me about that. 10 A. Well, when we was waiting for our 11 meeting, she come up, and she introduced 12 herself to us. And she told us, you know, 13 that Tyrique and her daughter were boyfriend 14 and girlfriend at one point. And she also 15 said, you know, how nice of a person he was. 16 She talked about him coming over to their 17 home, painting, painting a few of her rooms. 18 Q. And this occurred after Tyrique passed 19 away; correct? 20 A. That's correct. 21 Q. And where were you when this woman came 22 up to you? 23 A. We were at the courthouse. 24 Q. Did she work at the courthouse?</p>

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<p style="text-align: right;">Page 170</p> <p>1 A. Yes, she did.</p> <p>2 Q. Do you know who she worked for?</p> <p>3 A. Fran Chardo.</p> <p>4 Q. I want to ask you, how has Tyrique's</p> <p>5 death affected you? Are you different in any</p> <p>6 ways since he died?</p> <p>7 A. I'm angry, I lose weight, I gain weight,</p> <p>8 I took on more responsibilities, I --</p> <p>9 Q. When you say you took on more</p> <p>10 responsibilities, what do you mean by that?</p> <p>11 A. I don't have -- well, with the firewood,</p> <p>12 helping with the grass. I have to shovel the</p> <p>13 snow, because Mr. Matthews can't.</p> <p>14 Q. Why can't he do that?</p> <p>15 A. Because of his heart. I have to do all</p> <p>16 the errands. Mr. Matthews can't even put his</p> <p>17 own socks on. I have to do that.</p> <p>18 Q. Is that something that Tyrique used to</p> <p>19 do?</p> <p>20 A. Tyrique used to put his socks on.</p> <p>21 Q. Has Tyrique ever complained that he had</p> <p>22 to put his father's socks on?</p> <p>23 A. He never complained. He knew he</p> <p>24 couldn't do it. He knew he couldn't do it.</p>	<p style="text-align: right;">Page 172</p> <p>1 had anything to do with Tyrique's death. Do</p> <p>2 you recall talking to your therapist about</p> <p>3 whether or not Tyrique's death had any impact</p> <p>4 on your marriage?</p> <p>5 MR. NORFLEET: Riley, I'm</p> <p>6 sorry. Can you repeat that question? I</p> <p>7 didn't get much of it.</p> <p>8 BY MR. ROSS:</p> <p>9 Q. Sorry. Let me try to scoot closer to</p> <p>10 the computer.</p> <p>11 Do you recall, at the</p> <p>12 beginning of this deposition, talking about</p> <p>13 your conversations with the counselor about</p> <p>14 your marriage?</p> <p>15 A. Yes.</p> <p>16 Q. Counselor Fisk?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall having discussions with</p> <p>19 Counselor Fisk about whether or not Tyrique's</p> <p>20 death has affected your marriage?</p> <p>21 A. Yes.</p> <p>22 Q. And what were those conversations?</p> <p>23 A. Just what I just said about, you know,</p> <p>24 snapping, and you know, I snap on him, too.</p>
<p style="text-align: right;">Page 171</p> <p>1 He never complained.</p> <p>2 Q. Has Tyrique's death affected your</p> <p>3 relationship with Tom?</p> <p>4 A. Yes.</p> <p>5 Q. In what way?</p> <p>6 A. Sometimes, Mr. Matthews, I can ask him</p> <p>7 to do something simple, and he gets snappy,</p> <p>8 and I'm like, I didn't really, you know, say</p> <p>9 anything. It could be just something simple.</p> <p>10 He snaps, you know.</p> <p>11 Q. Let me ask you about your perspective.</p> <p>12 Do you feel like you are -- do you feel like</p> <p>13 you treat Tom any differently since your son's</p> <p>14 death?</p> <p>15 A. Yes.</p> <p>16 Q. In what way?</p> <p>17 A. As far as sex, I just don't want -- I</p> <p>18 have no desire.</p> <p>19 Q. At the beginning of this deposition -- I</p> <p>20 know it seems like a long time ago -- you were</p> <p>21 asked about therapy sessions, and I believe</p> <p>22 that there was a question or maybe a statement</p> <p>23 that as to whether or not your therapist</p> <p>24 believes that your problems in your marriage</p>	<p style="text-align: right;">Page 173</p> <p>1 I just don't think it is -- I think I am just</p> <p>2 asking something minor, and he just snaps, and</p> <p>3 it is constant.</p> <p>4 Q. Did Counselor Fisk ever say that she</p> <p>5 believes that that has a connection to</p> <p>6 Tyrique's death?</p> <p>7 A. We told her we thought that's what it</p> <p>8 has -- you know, his death has a lot to do</p> <p>9 with it.</p> <p>10 Q. And what was her response, if anything?</p> <p>11 A. Well she asked -- I can remember her</p> <p>12 asking Mr. Matthews, why do you, you know,</p> <p>13 snap, why do you snap, when she just asks you,</p> <p>14 like, something simple. And then, so, when</p> <p>15 he does that, I just don't want to do nothing.</p> <p>16 As far as sex, I be like I don't want to do</p> <p>17 anything.</p> <p>18 MR. ROSS: Okay, Carmen, I</p> <p>19 think that's all I have. Thank you. There</p> <p>20 may be some more questions, but thank you.</p> <p>21 ---</p> <p>22 EXAMINATION</p> <p>23 ---</p> <p>24 BY MR. MacMAIN:</p>

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<p style="text-align: right;">Page 174</p> <p>1 Q. Carmen, I just had a couple of brief 2 questions. You just described Thomas as 3 being so infirm prior to Tyrique's death, that 4 Tyrique had to put his socks on for him; is 5 that correct? 6 A. Yes. 7 Q. And was there any other physical 8 limitations, other than he couldn't even put 9 his own socks on? I know we talked about the 10 pacemaker. You said Ty had to put his 11 father's socks on for him. Any other physical 12 limitations? 13 A. Well, he has scoliosis. He has 14 scoliosis also. Tyrique would help him, you 15 know, put his socks on for him, because Mr. 16 Matthews, his back is just messed up. 17 Q. These were all conditions that he had 18 while Ty, that night, had the sledgehammer and 19 was fighting with his dad down the hallway, 20 onto the ground? All those conditions 21 occurred -- or were in existence at that time; 22 correct? 23 A. That's correct. 24 Q. And yet -- and Tyrique was aware of all</p>	<p style="text-align: right;">Page 176</p> <p>1 heads-up for that. 2 And that was all the questions 3 I had. 4 MR. NINOSKY: Nothing further, 5 ma'am. 6 MR. CARMELITE: Andy, I will 7 defer to you, if you have questions. 8 MR. NORFLEET: All right, 9 thank you. 10 --- 11 EXAMINATION 12 --- 13 BY MR. NORFLEET: 14 Q. Ma'am, when you and I were -- when I was 15 asking you questions, and you were providing 16 me answers, is it fair to say that you did not 17 tell me about the second telephone call with 18 Mr. Biter? 19 A. Yes, I -- yes. 20 Q. Is there a reason you didn't tell me 21 about that second phone call with Mr. Biter? 22 A. No reason. I just forgot, you know, to 23 tell you about it. 24 Q. Are there any additional contacts with</p>
<p style="text-align: right;">Page 175</p> <p>1 this; correct? 2 A. Yes. 3 Q. Like he knew about his dad's infirmities 4 and difficulties and physical limitations; 5 correct? 6 A. Yes. 7 Q. And during the course, at least during 8 the 911 call, you repeatedly asked Ty to put 9 away the sledgehammer; correct? 10 A. That's correct. 11 Q. And you kept reminding him of how infirm 12 his dad was; correct? 13 A. Yes. 14 Q. And yet, he still didn't put the 15 sledgehammer down, until you asked repeatedly 16 over a several-minute time period; correct? 17 A. Correct. 18 Q. I am going -- your counsel will -- you 19 will speak to your counsel about this, but 20 either I or one of the other attorneys are 21 going to be sending you some HIPAA forms for 22 you to sign, so we can get the records from 23 the counselor and some other records we are 24 going to need, so I just wanted to give you a</p>	<p style="text-align: right;">Page 177</p> <p>1 anybody from Dauphin County Prison or anyone 2 who you believe was from Dauphin County Prison 3 that you forgot to tell me about? 4 A. No, just Keith Biter. That's it. 5 Q. And I'm going to ask you some of the 6 same questions about that second telephone 7 call, ma'am. You said that telephone call 8 occurred about four days later? 9 A. Yes. 10 Q. The first call was on June 18th; 11 correct? 12 A. Yes. 13 Q. And you said the second call was on 14 June 22nd; correct? 15 A. That's correct. 16 Q. So we can agree that's about four days 17 later? 18 A. That's correct. 19 Q. What time did that second call come in? 20 A. In the evening, like after 8:00, around 21 8:30. 22 Q. And was that on a landline or a cellular 23 phone? 24 A. He called on the landline.</p>

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<p style="text-align: right;">Page 178</p> <p>1 Q. And you said that during that phone 2 call, Mr. Biter shared with you information 3 about Tyrique's preliminary hearing; correct? 4 A. That's correct. 5 Q. What other information was shared with 6 you or that you may have discussed with Mr. 7 Biter during that call? 8 A. All he said was the date and time and 9 where to be, and I repeated it. He told me 10 what District Justice Office to be at, and 11 then I -- after he told me, you know, all the 12 information, I said, okay, we will be there. 13 And he laughed. He laughed, and he said, 14 okay. 15 Q. How long did this telephone call last, 16 ma'am? 17 A. I don't remember. 18 Q. Did Mr. Biter end the conversation or 19 did you hang up? Did he hang up? 20 A. We both hung up. 21 Q. And you had not talked with Tyrique 22 during those four days between June 18th and 23 June 22nd; correct? 24 A. That's correct.</p>	<p style="text-align: right;">Page 180</p> <p>1 A. It was a court date, yes. 2 Q. Did you believe that Tyrique needed an 3 attorney for that court date? 4 A. I don't know. I don't know. 5 Q. You don't know if he needed an attorney 6 or not? 7 A. No. 8 Q. Did you think it would have been a good 9 idea if he would have had an attorney to go to 10 court with? 11 A. Well, the reason why we didn't get -- we 12 didn't get an attorney is because of what 13 Officer Wilson said. He said, Dad is not 14 going to press charges, so I figured, why 15 would we get an attorney? 16 Q. But you knew that there was a hearing 17 scheduled? 18 A. His father is not going to press 19 charges, so what would we need to get an 20 attorney for? 21 Q. But you knew that there was a hearing 22 scheduled; correct? 23 A. That's correct. 24 Q. Did you contact the Public Defender's</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. And it is your testimony that you didn't 2 talk with him, because you didn't know that 3 you could call him first; correct? 4 A. Correct. 5 Q. When Mr. Biter called on June 22nd, did 6 you ask him if you were allowed to call 7 Tyrique? 8 A. No, I didn't. 9 Q. Did you ask him if Tyrique had an 10 attorney? 11 A. I did not. 12 Q. Did you ask him about anything to do 13 with Tyrique's preliminary hearing? 14 A. I did not. 15 Q. Did you ask if Tyrique was allowed to 16 call you? 17 A. I did not. 18 Q. Did you ask him how you could go about 19 getting in touch with Tyrique? 20 A. I did not. 21 Q. Did you know what a preliminary hearing 22 was, ma'am? 23 A. Just -- no, I didn't know. 24 Q. You knew it was a court date; correct?</p>	<p style="text-align: right;">Page 181</p> <p>1 Office about Tyrique? 2 A. I did not. 3 Q. Ma'am, has anybody in -- you have never 4 been arrested; correct? 5 A. That's correct. 6 Q. Has Mr. Thomas ever been arrested? 7 A. Yes. 8 Q. And when I say -- I apologize, I said 9 Mr. Thomas. It is Thomas? 10 A. Yes, yes. 11 Q. What is your understanding of the 12 reasons why Thomas has been arrested? 13 A. I don't know. 14 Q. Well, let me back up. How many times 15 has Thomas been arrested? 16 A. I don't know. 17 Q. Was he arrested in Dauphin County? 18 A. I don't know. 19 Q. You just know that he was arrested? 20 A. Yes. 21 Q. Have you ever talked to him about why he 22 was arrested? 23 A. No. 24 Q. Do you know if Thomas was ever housed at</p>

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<p style="text-align: right;">Page 182</p> <p>1 Dauphin County Prison?</p> <p>2 A. Yes, I think he did mention that once.</p> <p>3 Q. What did he tell you about Dauphin</p> <p>4 County Prison?</p> <p>5 A. I think it had something to do with</p> <p>6 child support.</p> <p>7 Q. So, to the best of your knowledge, Mr.</p> <p>8 Thomas had been detained at Dauphin County</p> <p>9 Prison?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know for how long?</p> <p>12 A. No.</p> <p>13 Q. Do you know how many times he was at</p> <p>14 Dauphin County Prison?</p> <p>15 A. No.</p> <p>16 Q. Do you know if Mr. Thomas ever called</p> <p>17 anybody from Dauphin County Prison?</p> <p>18 A. No.</p> <p>19 Q. Did you ask Mr. Thomas if you could call</p> <p>20 someone incarcerated at Dauphin County Prison?</p> <p>21 A. No.</p> <p>22 Q. And he never offered that information to</p> <p>23 you?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 184</p> <p>1 A. Yes.</p> <p>2 Q. Any other reason why he is on</p> <p>3 disability, other than his heart?</p> <p>4 A. I don't know.</p> <p>5 Q. Ma'am, you have -- and I'm sorry I'm</p> <p>6 going to ask you these questions, but you have</p> <p>7 testified to it a few times. You have</p> <p>8 testified that your sexual relationship with</p> <p>9 Thomas has changed since your son's death;</p> <p>10 correct?</p> <p>11 A. That's correct.</p> <p>12 Q. How often were you and Mr. Thomas having</p> <p>13 sex before Tyrique passed away?</p> <p>14 A. At least twice a week.</p> <p>15 Q. And how often has that been occurring</p> <p>16 since Tyrique passed away?</p> <p>17 A. Rephrase that.</p> <p>18 Q. How often are you having sex after</p> <p>19 Tyrique passed away?</p> <p>20 A. Not at all.</p> <p>21 Q. Are you withholding sex from Thomas or</p> <p>22 is he withholding sex from you or is it</p> <p>23 mutual?</p> <p>24 MR. ROSS: Objection to the</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. I just have a couple more questions for</p> <p>2 you, ma'am.</p> <p>3 When was Thomas diagnosed with</p> <p>4 suffering from scoliosis?</p> <p>5 A. Since he was, I guess, an infant.</p> <p>6 Q. Since he was an infant?</p> <p>7 A. Yeah, since he was young.</p> <p>8 Q. Do you know how long he has been on</p> <p>9 disability?</p> <p>10 A. No, I don't know.</p> <p>11 Q. Do you know if that disability is</p> <p>12 through his employer or if it is through the</p> <p>13 Social Security Administration?</p> <p>14 A. Social Security Administration.</p> <p>15 Q. And how old is Thomas?</p> <p>16 A. 64 -- he is in his 60's.</p> <p>17 Q. Do you know if he is retirement age or</p> <p>18 if he has not reached retirement age yet?</p> <p>19 That's approximately 67.</p> <p>20 A. No, he is not retirement age.</p> <p>21 Q. Is he on disability for the scoliosis?</p> <p>22 A. No.</p> <p>23 Q. Is he on disability because of his</p> <p>24 heart?</p>	<p style="text-align: right;">Page 185</p> <p>1 form of the question.</p> <p>2 BY MR. NORFLEET:</p> <p>3 Q. I will rephrase.</p> <p>4 Are you refusing to have sex</p> <p>5 with Thomas?</p> <p>6 A. Yes.</p> <p>7 Q. Is he refusing to have sex with you?</p> <p>8 A. No.</p> <p>9 Q. So it is all -- it is simply you</p> <p>10 refusing; correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Was there any concerns with Thomas and</p> <p>13 his heart condition about engaging in sex?</p> <p>14 A. No.</p> <p>15 Q. His heart condition didn't prevent him</p> <p>16 from having sex with you twice a week?</p> <p>17 A. No.</p> <p>18 Q. Did his scoliosis prevent him from</p> <p>19 having sex with you twice a week?</p> <p>20 A. No.</p> <p>21 Q. You said, ma'am, that you have taken on</p> <p>22 additional responsibilities, and one of the</p> <p>23 things that you indicate is you have to do</p> <p>24 more errands; is that correct?</p>

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<p style="text-align: right;">Page 186</p> <p>1 A. That's correct.</p> <p>2 Q. You testified earlier that Tyrique did</p> <p>3 not have a driver's license; correct?</p> <p>4 A. That's correct.</p> <p>5 Q. So he couldn't drive and go do errands</p> <p>6 on his own, right?</p> <p>7 A. No.</p> <p>8 Q. What errands did Tyrique do for you on</p> <p>9 his own prior to his death?</p> <p>10 A. Well, at that time, my car was broke, so</p> <p>11 I would have to get, you know, neighbors to</p> <p>12 run me around.</p> <p>13 Q. Well, if you can tell me, prior to his</p> <p>14 death, what errands was Tyrique responsible</p> <p>15 for doing for you and Thomas?</p> <p>16 A. He wouldn't do none of the errands.</p> <p>17 Q. And how often are you chopping firewood,</p> <p>18 ma'am?</p> <p>19 A. Maybe once or -- it all depends on how</p> <p>20 the wood gets burnt.</p> <p>21 Q. In an average week, can you tell me how</p> <p>22 many times a week you chop wood?</p> <p>23 A. Maybe once a week.</p> <p>24 Q. Does anyone help you with that?</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. A-R-R-I-N-G-T-O-N?</p> <p>2 A. That's correct.</p> <p>3 Q. And do you know her address, ma'am?</p> <p>4 A. I do not.</p> <p>5 Q. Does he have any other family in the</p> <p>6 area?</p> <p>7 A. No.</p> <p>8 Q. Is Thomas close with Ms. Arrington?</p> <p>9 A. No.</p> <p>10 Q. Do you have any friends or any other</p> <p>11 family members who help you out?</p> <p>12 A. Well, we might have -- we have -- not no</p> <p>13 family, but as far as friends, we also have to</p> <p>14 have like dry wood dropped off, like, you know</p> <p>15 what I'm saying by dry wood, like skids to go</p> <p>16 along with the tree wood, so, you know, we</p> <p>17 have some people that have trucks that could</p> <p>18 drop off skids to us.</p> <p>19 Q. And who is doing that for you, ma'am?</p> <p>20 A. Whoever, you know.</p> <p>21 Q. The last couple of questions for you,</p> <p>22 ma'am, you mentioned a conversation that you</p> <p>23 had at the District Attorney's Office with</p> <p>24 Tyrique's high school girlfriend, and you said</p>
<p style="text-align: right;">Page 187</p> <p>1 A. Yes.</p> <p>2 Q. Who helps you with that, ma'am?</p> <p>3 A. My brother, he helps.</p> <p>4 Q. What is your brother's name?</p> <p>5 A. Leonard Riley.</p> <p>6 Q. He lives near you?</p> <p>7 A. Yes.</p> <p>8 Q. What is his address?</p> <p>9 A. 1931 Franklin Avenue.</p> <p>10 Q. He is the brother who lives with you at</p> <p>11 the house that you and your mother own?</p> <p>12 A. Yes.</p> <p>13 Q. Do you have any other siblings, ma'am?</p> <p>14 A. I do not.</p> <p>15 Q. Does anyone from Thomas' family help</p> <p>16 you?</p> <p>17 A. No.</p> <p>18 Q. Does he have any family in the area?</p> <p>19 A. He does.</p> <p>20 Q. What family does Thomas have in the</p> <p>21 area, ma'am?</p> <p>22 A. He has a sister.</p> <p>23 Q. What is her name?</p> <p>24 A. Michelle Arrington.</p>	<p style="text-align: right;">Page 189</p> <p>1 her name was Nicole; correct?</p> <p>2 A. That's correct.</p> <p>3 Q. What is Nicole's last name?</p> <p>4 MR. ROSS: Objection to the</p> <p>5 form of the question. I think your question</p> <p>6 misstated what she testified to.</p> <p>7 MR. NORFLEET: Okay, I will</p> <p>8 rephrase.</p> <p>9 MR. ROSS: You said she had a</p> <p>10 conversation with Nicole there.</p> <p>11 MR. NORFLEET: I will</p> <p>12 rephrase.</p> <p>13 MR. ROSS: Okay.</p> <p>14 BY MR. NORFLEET:</p> <p>15 Q. Ma'am, this conversation that you had</p> <p>16 with the District Attorney's Office, was that</p> <p>17 with Nicole?</p> <p>18 A. No, it was not.</p> <p>19 Q. It was with Nicole's mother?</p> <p>20 A. Yes.</p> <p>21 Q. Okay, what is Nicole's name, her last</p> <p>22 name?</p> <p>23 A. I don't know her last name.</p> <p>24 Q. When was the last time you saw Nicole?</p>

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<p style="text-align: right;">Page 190</p> <p>1 A. I don't remember.</p> <p>2 Q. It was prior to your son's arrest?</p> <p>3 A. I don't remember.</p> <p>4 Q. You don't remember? And that's a fine</p> <p>5 answer, ma'am. If you don't remember, you</p> <p>6 don't remember.</p> <p>7 A. I don't remember.</p> <p>8 Q. Okay. Nicole's mother, what is her</p> <p>9 name?</p> <p>10 A. I don't remember that.</p> <p>11 Q. You don't remember her first or last</p> <p>12 name?</p> <p>13 A. No.</p> <p>14 Q. Had you ever met her before that meeting</p> <p>15 at the District Attorney's Office?</p> <p>16 A. No.</p> <p>17 Q. Did she tell you what she -- she told</p> <p>18 you she works for Mr. Chardo?</p> <p>19 A. Yes.</p> <p>20 Q. Did she tell you in what role she works</p> <p>21 for Mr. Chardo?</p> <p>22 A. Secretary.</p> <p>23 Q. Was she Caucasian, Hispanic,</p> <p>24 African-American?</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. And how long did that go on, ma'am?</p> <p>2 A. I don't remember how long.</p> <p>3 Q. And to the best of your recollection,</p> <p>4 that was Tyrique's only girlfriend?</p> <p>5 A. Correct.</p> <p>6 MR. NORFLEET: That's all I</p> <p>7 have. Thank you.</p> <p>8 ---</p> <p>9 EXAMINATION</p> <p>10 ---</p> <p>11 BY MR. ROSS:</p> <p>12 Q. Ms. Riley, just real quick, there was</p> <p>13 more questions about what you did or did not</p> <p>14 do after Tyrique was arrested. Were you</p> <p>15 worried about Tyrique when he was arrested?</p> <p>16 A. Yes.</p> <p>17 Q. Did you lose any sleep while he was in</p> <p>18 the Dauphin County Prison?</p> <p>19 A. Yes.</p> <p>20 Q. Did it affect your eating?</p> <p>21 A. Yes.</p> <p>22 Q. In what way?</p> <p>23 A. I just wouldn't eat. I would just like</p> <p>24 snack on something, or I might just eat -- you</p>
<p style="text-align: right;">Page 191</p> <p>1 A. Caucasian.</p> <p>2 Q. Can you tell me anything else that you</p> <p>3 might remember about what she looked like?</p> <p>4 A. She had blonde hair, I think.</p> <p>5 Q. Was she -- how tall are you, ma'am?</p> <p>6 A. I am about five-three.</p> <p>7 Q. Was she taller than you?</p> <p>8 A. She was taller than me.</p> <p>9 Q. Would you say she was significantly</p> <p>10 taller than you or just a few inches?</p> <p>11 A. Significantly taller than me.</p> <p>12 Q. And you indicated that she told you that</p> <p>13 Tyrique used to come to her house and paint?</p> <p>14 A. Yes, she wanted some painting done, and</p> <p>15 he went -- it was on a Saturday and went over</p> <p>16 to paint.</p> <p>17 Q. Do you have any idea when that would</p> <p>18 have occurred?</p> <p>19 A. No, I don't.</p> <p>20 Q. How many times did you meet Nicole while</p> <p>21 Tyrique was dating her?</p> <p>22 A. I will say once.</p> <p>23 Q. Do you know how long they dated?</p> <p>24 A. It started in tenth grade.</p>	<p style="text-align: right;">Page 193</p> <p>1 know, try to eat some of my dinner.</p> <p>2 Q. Did it cause you to feel any stress?</p> <p>3 A. Yes.</p> <p>4 Q. And did you feel helpless?</p> <p>5 MR. NORFLEET: I'm going to</p> <p>6 object to the form. I mean, you are kind of</p> <p>7 leading her, Riley. If you want to ask her</p> <p>8 how she felt, that's fine, but you are leading</p> <p>9 her as to what she thought or felt.</p> <p>10 BY MR. ROSS:</p> <p>11 Q. I will ask you, did you feel helpless?</p> <p>12 A. Yes.</p> <p>13 Q. Any other things that you felt while he</p> <p>14 was -- after he was arrested, before he passed</p> <p>15 away?</p> <p>16 A. I felt helpless, and the amount of money</p> <p>17 they was asking, I knew I couldn't come up</p> <p>18 with that.</p> <p>19 Q. If you knew that you could have called</p> <p>20 the prison and spoken to your son while he was</p> <p>21 at Dauphin County Prison, would you have done</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 MR. NORFLEET: I didn't hear</p>

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<p style="text-align: right;">Page 194</p> <p>1 that.</p> <p>2 BY MR. ROSS:</p> <p>3 Q. If you knew you could have called --</p> <p>4 there was some testimony, you were asked</p> <p>5 earlier whether or not you called Dauphin</p> <p>6 County Prison, and my question is, if you knew</p> <p>7 you could call and speak to your son while he</p> <p>8 was in Dauphin County Prison, would you have</p> <p>9 done that?</p> <p>10 A. Yes.</p> <p>11 MR. NORFLEET: Objection to</p> <p>12 form.</p> <p>13 MR. CARMELITE: Same.</p> <p>14 BY MR. ROSS:</p> <p>15 Q. You also were asked about getting him an</p> <p>16 attorney, and you said that you mentioned</p> <p>17 about Officer Wilson telling you that -- you</p> <p>18 testified earlier that Officer Wilson had told</p> <p>19 you that Tom was not going to be pressing</p> <p>20 charges. Do you remember that?</p> <p>21 A. I remember that.</p> <p>22 Q. What impact, if any, did it have on your</p> <p>23 decision about getting an attorney?</p> <p>24 A. Well, once Officer Wilson said his</p>	<p style="text-align: right;">Page 196</p> <p>1 press charges.</p> <p>2 MR. ROSS: That's all I have.</p> <p>3 ---</p> <p>4 EXAMINATION</p> <p>5 ---</p> <p>6 BY MS. CARMELITE:</p> <p>7 Q. I have some follow-up.</p> <p>8 Mrs. Riley, tell me everything</p> <p>9 you did from the date your son was arrested</p> <p>10 until the preliminary hearing to ease your</p> <p>11 concerns and your worries about your son and</p> <p>12 help him.</p> <p>13 MR. ROSS: Don, I think you</p> <p>14 may have cut out a little bit. Can you</p> <p>15 restate that?</p> <p>16 MR. CARMELITE: Sure, I will</p> <p>17 happily restate it.</p> <p>18 BY MS. CARMELITE:</p> <p>19 Q. Ma'am, you just testified that you were</p> <p>20 very concerned, you were very worried, you</p> <p>21 were helpless, you felt helpless for your son.</p> <p>22 Do you remember that?</p> <p>23 A. Yes, I remember that.</p> <p>24 Q. I want to know everything you did</p>
<p style="text-align: right;">Page 195</p> <p>1 father wasn't going to press no charges, I</p> <p>2 didn't think we needed any.</p> <p>3 Q. And why is that? Let me strike that.</p> <p>4 Did you think that Tyrique was</p> <p>5 going to be released?</p> <p>6 A. Yes.</p> <p>7 Q. At the preliminary hearing, did you</p> <p>8 think he was going to be released that day?</p> <p>9 MR. NORFLEET: Objection to</p> <p>10 form.</p> <p>11 MR. CARMELITE: Join.</p> <p>12 BY MR. ROSS:</p> <p>13 Q. Let me rephrase.</p> <p>14 When you went to court that</p> <p>15 day, were you expecting Tyrique to be</p> <p>16 released?</p> <p>17 MR. CARMELITE: Objection to</p> <p>18 form.</p> <p>19 MR. NORFLEET: Form.</p> <p>20 BY MR. ROSS:</p> <p>21 Q. You can answer.</p> <p>22 A. Yes.</p> <p>23 Q. What led you to believe that?</p> <p>24 A. Because Mr. Matthews wasn't going to</p>	<p style="text-align: right;">Page 197</p> <p>1 between the date your son was arrested and the</p> <p>2 date of the preliminary hearing to help your</p> <p>3 son.</p> <p>4 A. I basically just tried to stay around</p> <p>5 the house, and thinking, you know, maybe he</p> <p>6 was going to call.</p> <p>7 Q. So you waited by the phone for your son</p> <p>8 to call; correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Did you do anything else?</p> <p>11 A. Just stayed around the house.</p> <p>12 Q. And the purpose of staying around the</p> <p>13 house was to be there in case your son called;</p> <p>14 correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. And I apologize, it has been</p> <p>17 really hard to hear sometimes when you speak</p> <p>18 and Mr. Ross speaks, probably because of the</p> <p>19 masks and the Zoom. And I'm really confused.</p> <p>20 Who told you that -- someone told you that</p> <p>21 someone was not going to press charges, right,</p> <p>22 against --</p> <p>23 A. Yes.</p> <p>24 Q. Is it that Officer Wilson told you that</p>

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<p style="text-align: right;">Page 198</p> <p>1 Mr. Matthews was not going to press charges?</p> <p>2 A. That's correct.</p> <p>3 Q. Why is it that a police officer has to</p> <p>4 tell you that Mr. Matthews wasn't going to</p> <p>5 press charges?</p> <p>6 MR. ROSS: Objection to the</p> <p>7 form of the question.</p> <p>8 BY MS. CARMELITE:</p> <p>9 Q. Had you discussed with Mr. Matthews ever</p> <p>10 whether he was going to press charges against</p> <p>11 your joint son?</p> <p>12 A. No, he wasn't -- we didn't discuss it.</p> <p>13 I knew he just -- Tyrique didn't do anything.</p> <p>14 Q. Okay, I understand that.</p> <p>15 A. Why would his dad press charges on him?</p> <p>16 Q. I understand that, ma'am, but it is my</p> <p>17 understanding from your testimony that the</p> <p>18 first time you learned that charges weren't</p> <p>19 going to be pressed against your son was via</p> <p>20 communication from a police officer, not your</p> <p>21 shared spouse; correct?</p> <p>22 MR. ROSS: Objection to the</p> <p>23 form of the question. You can answer.</p> <p>24 THE WITNESS: That's correct.</p>	<p style="text-align: right;">Page 200</p> <p>1 A. Because he already said he wasn't</p> <p>2 pressing charges, and Mr. Wilson said his</p> <p>3 father is not going to press charges, off of</p> <p>4 that.</p> <p>5 Q. Were you communicating with Mr. Matthews</p> <p>6 after your son was arrested?</p> <p>7 A. Yes.</p> <p>8 MR. CARMELITE: Okay, I have</p> <p>9 no other questions. I think Mr. Norfleet may</p> <p>10 have some.</p> <p>11 MR. NORFLEET: I'm good.</p> <p>12 MR. MacMAIN: No further</p> <p>13 questions.</p> <p>14 MR. NINOSKY: Nothing further.</p> <p>15 ---</p> <p>16 EXAMINATION</p> <p>17 ---</p> <p>18 BY MR. ROSS:</p> <p>19 Q. I want to follow up on that, Ms. Riley.</p> <p>20 With regards to Officer Wilson</p> <p>21 telling you that Tom wasn't going to press</p> <p>22 charges, was that confirmation for you that</p> <p>23 Tyrique was not going to be prosecuted?</p> <p>24 MR. CARMELITE: Objection to</p>
<p style="text-align: right;">Page 199</p> <p>1 BY MS. CARMELITE:</p> <p>2 Q. And it was based upon that information</p> <p>3 from the officer that you had some heightened</p> <p>4 expectation that your son was going to be</p> <p>5 released from prison?</p> <p>6 A. That's correct.</p> <p>7 Q. Okay. Once you learned that your son</p> <p>8 was going to be what you believed to be</p> <p>9 released from prison, what did you do after</p> <p>10 that?</p> <p>11 A. We just waited until the -- we just</p> <p>12 waited on until the preliminary hearing come.</p> <p>13 Q. Did you tell anybody?</p> <p>14 A. No, I didn't tell anybody.</p> <p>15 Q. After the police officer told you that</p> <p>16 your spouse, Mr. Matthews, wasn't going to</p> <p>17 press charges against your son, did you reach</p> <p>18 out and talk to Mr. Matthews about that at</p> <p>19 all?</p> <p>20 MR. ROSS: Objection to the</p> <p>21 form of the question.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. CARMELITE:</p> <p>24 Q. Why not?</p>	<p style="text-align: right;">Page 201</p> <p>1 form.</p> <p>2 MR. NORFLEET: Objection to</p> <p>3 form.</p> <p>4 THE WITNESS: Rephrase that.</p> <p>5 BY MR. ROSS:</p> <p>6 Q. Did you believe that --</p> <p>7 MR. CARMELITE: Objection to</p> <p>8 form.</p> <p>9 MR. ROSS: To do you believe</p> <p>10 that?</p> <p>11 MR. CARMELITE: Because the</p> <p>12 next thing that's going to come out of your</p> <p>13 mouth is going to be a leading question.</p> <p>14 What, if anything, did you believe about X,</p> <p>15 that's fine.</p> <p>16 BY MR. ROSS:</p> <p>17 Q. You just testified with regards to what</p> <p>18 Officer Wilson told you. I think that your</p> <p>19 testimony was that you already knew that -- or</p> <p>20 you believed that nothing happened; is that</p> <p>21 right? You believed that Tyrique didn't do</p> <p>22 anything?</p> <p>23 A. Correct.</p> <p>24 Q. So were you surprised to learn -- were</p>

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<p style="text-align: right;">Page 202</p> <p>1 you surprised when Officer Wilson told you 2 that Tom Matthews was not pressing charges? 3 A. Yes. 4 Q. Okay, why were you surprised? Did you 5 believe that Tom was going to press charges? 6 A. No. 7 Q. Okay, so why were you surprised when 8 Officer Wilson told you that? 9 A. Well, because I don't know really what 10 was said at the time. I don't know -- I 11 didn't go to the hospital, so I really didn't 12 know, you know, what Mr. Matthews had said 13 until Officer Wilson called. 14 Q. Okay. When Officer Wilson called, this 15 was how many days after Tom had gone to the 16 hospital? 17 A. He called on the 18th. 18 Q. Okay, so this is later that day? 19 A. Yes, he called later that day. 20 Q. Had Tom come back home? When Officer 21 Wilson called you, had Tom returned home from 22 the hospital? 23 A. Yes. 24 MR. ROSS: Okay, that's all I</p>	<p style="text-align: right;">Page 204</p> <p>1 talking about? 2 MR. NORFLEET: Yes, I thought 3 it was clear. I'm sorry. 4 BY MR. NORFLEET: 5 Q. So on June 18th -- again, I'm only 6 talking to you about what Officer Wilson told 7 you, if he told you anything, okay? So my 8 initial question was, when did the 9 conversation occur where Officer Wilson said, 10 Tom or Thomas is not going to press charges? 11 A. June 18th. 12 Q. And what time did that conversation 13 occur? 14 A. Around 11:00, 11:00 o'clock. 15 Q. A.M. or P.M.? 16 A. A.M. 17 Q. And Officer Wilson reached out to you. 18 Did he call you directly? 19 A. He called me directly. 20 Q. Okay, on your cellular phone or your 21 landline? 22 A. Landline. 23 Q. And no one else participated in that 24 conversation; correct?</p>
<p style="text-align: right;">Page 203</p> <p>1 have. Thanks. 2 --- 3 EXAMINATION 4 --- 5 BY MR. NORFLEET: 6 Q. Okay, I have just got a couple, because 7 I am confused now. 8 Ma'am, when did Officer -- it 9 was Officer Wilson who told you that Tyrique 10 was not going to be charged; correct? 11 A. He said Dad is not going to press 12 charges. 13 Q. When did that conversation occur with 14 Officer Wilson? 15 A. June 18, 2019. 16 Q. And you did not participate in that 17 conversation; correct? 18 A. No. 19 Q. That conversation was between Thomas and 20 Officer Wilson? 21 A. Whoever took -- whoever followed the 22 ambulance to the hospital. 23 MR. ROSS: Andy, can I get a 24 clarification what conversation you are</p>	<p style="text-align: right;">Page 205</p> <p>1 A. That's correct. 2 Q. And your testimony was, you did not 3 share that information with anyone else, 4 including Thomas; correct? 5 A. Correct. 6 Q. Did you ask Officer Wilson when Tyrique 7 would be released? 8 A. I did not. 9 MR. NORFLEET: Okay, that's 10 all I have. 11 Anyone else? 12 MR. MacMAIN: No. I guess I 13 will wrap up. So we are concluded with the 14 deposition. Please, Jeanne, I would like a 15 copy. I guess full and mini and electronic 16 is fine. 17 THE COURT REPORTER: Okay, 18 thank you. 19 MR. ROSS: Same. 20 MR. NORFLEET: Same. 21 MR. NINOSKY: Same. 22 MR. CARMELITE: I'm not going 23 to rock the boat. I will do the same, too. 24 ---</p>

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1 (Witness excused.)	1 INSTRUCTIONS TO WITNESS
2 ---	2
3 (Whereupon the deposition was	3 Please read your deposition over
4 concluded at 6:21 p.m.)	4 carefully and make any necessary corrections.
5 ---	5 You should state the reason in the appropriate
6	6 space on the errata sheet for any corrections
7	7 that are made.
8	8 After doing so, please sign the errata
9	9 sheet and date it.
10	10 You are signing same subject to the
11	11 changes you have noted on the errata sheet,
12	12 which will be attached to your deposition.
13	13 It is imperative that you return the
14	14 original errata sheet to the deposing attorney
15	15 within thirty (30) days of receipt of the
16	16 deposition transcript by you. If you fail to
17	17 do so, the deposition transcript may be deemed
18	18 to be accurate and may be used in court.
19	19
20	20
21	21
22	22
23	23
24	24
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1 CERTIFICATE	1 -----
2	2 ERRATA
3	3 -----
4 I, Jeanne Christian, a Notary Public, do	3 PAGE LINE CHANGE
5 hereby certify that the foregoing deposition	4 -----
6 of CARMEN RILEY, was taken before me, REMOTELY	5 Reason for
7 pursuant to notice, at the time and place	6 Change: _____
8 indicated; that said deponent was by me duly	7 -----
9 sworn to tell the truth, the whole truth, and	8 Reason for
10 nothing but the truth; that the testimony of	9 Change: _____
11 said deponent was correctly recorded in	10 -----
12 machine shorthand by me and thereafter	11 Reason for
13 transcribed under my supervision with	12 Change: _____
14 computer-aided transcription; that the	13 -----
15 deposition is a true record of the testimony	14 Reason for Change:
16 given by the witness; and that I am neither of	15 -----
17 counsel nor kin to any party in said action,	16 -----
18 nor interested in the outcome thereof.	17 Reason for Change:
19	18 -----
20 WITNESS my hand this 3rd day of March, 2022.	19 -----
21	20 Reason for Change:
22	21 -----
23	22 -----
24	23 Reason for Change:
	24 -----

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1 ACKNOWLEDGMENT OF DEPONENT
 2 I, _____, do
 3 hereby certify that I have read the foregoing
 4 pages ___ to ___ and that the same is a correct
 5 transcription of the answers given by me to
 6 the questions therein propounded, except for
 7 the corrections or changes in form or
 8 substance, if any, noted in the attached
 9 Errata Sheet.

10

11

12 DATE

SIGNATURE

13

14 Subscribed and sworn to before

15 me this _____ day of _____,

16 2022.

17

18 My commission expires:

19

20

21

22

23

Notary Public

24

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